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CHAPTER 19

Arms Control, Disarmament, and Nonproliferation

A. GENERAL

On July 31, 2014, the State Department released the unclassified version of its report to Congress on Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments, submitted pursuant to Section 403 of the Arms Control and Disarmament Act, as amended, 22 U.S.C. § 2593a. The report contains four parts. Part I addresses U.S. compliance with arms control, nonproliferation, and disarmament agreements and commitments. Part II discusses compliance with treaties and agreements the United States concluded bilaterally with the Soviet Union or its successor states. Part III assesses compliance by other countries that are parties to multilateral agreements. And Part IV covers other countries' compliance with international commitments, such as the Missile Technology Control Regime ("MTCR"). The 2014 report primarily covers the period from January 1, 2013 through December 31, 2013. The report is available at www.state.gov/t/avc/rls/rpt/2014/230047.htm.

B. NUCLEAR NONPROLIFERATION

1. Overview

On December 18, 2014, Rose Gottemoeller, Under Secretary of State for Arms Control and International Security, delivered remarks on U.S. nuclear arms control policy at the Brookings Institution in Washington, DC. The Under Secretary referenced President Obama's 2009 speech in Prague outlining his agenda for arms control and his follow-up to that speech in Berlin in 2013. For excerpts from the President's 2009 speech in

Prague, see *Digest 2009* at 761-64. For excerpts from the President's 2013 speech in Berlin, see *Digest 2013* at 640-41. Excerpts follow from Under Secretary Gottemoeller's speech at the Brookings Institution, which are available in full at www.state.gov/t/us/2014/235395.htm.

* * * *

...The Prague Agenda is an achievable long-term goal and one worth fighting for. I will say here what I said in Prague. There should be no doubt: the U.S. commitment to achieving the peace and security of a world without nuclear weapons is unassailable. We continue to pursue nuclear disarmament and we will keep faith with our Nuclear Non-Proliferation Treaty (NPT) commitments, prominent among them, Article VI. Our responsible approach to disarmament has borne fruit in the form of major reductions in nuclear weapons, fissile material stocks and infrastructure. These efforts have led us to reduce our nuclear arsenal by approximately 85% from its Cold War heights. In real numbers, that means we have gone from 31,255 nuclear weapons in our active stockpile in 1967 to 4,804 in 2013. We know we still have more work to do.

As we consider future reductions, our focus must be on achievable and verifiable measures that all interested parties—nuclear states and non-nuclear states alike—can trust. Our past experience—both successes and disappointments—will inform how and when we proceed, with each step building on the last.

When we take stock of the last thirty years, it is clear that our path has been the right one. ... Within a decade of 1985, Washington and Moscow would conclude the Intermediate-Range Nuclear Forces Treaty (INF), the Strategic Arms Reduction Treaty (START), the Presidential Nuclear Initiatives, and the HEU Purchase Agreement.

These various bilateral and parallel unilateral initiatives led to array of impressive and long-reaching effects: banning an entire class of missiles carrying nuclear weapons, reducing the deployed nuclear stockpiles of the United States and Russia by over 11,000 warheads, drastically reducing and eliminating whole categories of tactical nuclear weapons, while removing others from routine deployment, and converting Russian nuclear material equivalent to an astounding 20,000 nuclear weapons into fuel for nuclear power.

Those efforts were followed by the Strategic Offensive Reductions Treaty (SORT), or Moscow Treaty, that further reduced U.S. and Russian deployed strategic forces. And of course, in 2010, the U.S. and Russia signed the New START Treaty. When it is fully implemented, New START will limit deployed strategic nuclear warheads to their lowest levels since the 1950s.

New START is enhancing security and strategic stability between the United States and Russia. Both nations are now faithfully implementing the Treaty's inspection regime. Current tensions with the Russian Federation highlight the durability of the verification regime and the important confidence that is provided by data exchanges and on-site inspections under the Treaty, as well as the security and predictability provided by verifiable mutual limits on strategic weapons. None of these achievements could have been predicted back in 1985, nor laid out in a long-term, time-bound program. On the contrary, it was the careful implementation of each initiative that provided the trust and confidence, and the strategic opportunity to move ahead.

Underpinning all of our efforts, stretching back decades, has been our clear understanding and recognition of the humanitarian consequences of the use of these weapons. That is the message the United States delivered at the Conference on the Humanitarian Impact of Nuclear Weapons in Vienna last week. We appreciated hearing the testimonies and statements of the participants there. While we acknowledge the views of those who call for the negotiation of a nuclear weapons ban treaty, the United States cannot and will not support efforts of this sort. We believe the practical path we have followed so successfully in the past remains the only realistic route to our shared goal of a nuclear weapons-free world. Again, it should be remembered that we share the same goal; we just have different ideas on the process. The international community cannot ignore or wish away the obstacles confronting us that slow the pace of progress on arms control and nonproliferation efforts. We must all acknowledge that not every nation is ready or willing to pursue serious arms control and nonproliferation efforts. We are seeing new and enduring pressures on the NPT—pressures that threaten global stability. We are seeing nations turn away from cooperation, turn away from the common good of nonproliferation efforts, and cling ever more tightly to their nuclear arsenals.

As we push those nations to accept their own global and ethical responsibilities, the United States will maintain a safe, secure, and effective nuclear arsenal for the defense of our nation and our allies. This is not a stance that is mutually exclusive of U.S. disarmament goals. It merely recognizes the international security environment in which we find ourselves—and must take account of—as we pursue further progress. Simply put, we must carefully maintain the arsenal that remains, in order to make deeper reductions. We are conscious of our current obligations and responsibilities and we are meeting them. The United States also knows that it has a responsibility to lead efforts toward disarmament, and I can affirm to you that we will never relent in this pursuit. There are people here in Washington and people around the world that see the landscape and say that we cannot control the spread of weapons of mass destruction or further reduce stockpiles. They are wrong.

It was in Prague that President Obama reminded us that, “such fatalism is a deadly adversary, for if we believe that the spread of nuclear weapons is inevitable, then in some way we are admitting to ourselves that the use of nuclear weapons is inevitable.” Again, the United States cannot and will not accept this. “When we fail to pursue peace,” the President also said, “then it stays forever beyond our grasp...[t]o denounce or shrug off a call for cooperation is an easy, but also a cowardly thing to do.”

The United States will press ahead, even in the face of obstacles. While we have accomplished much over the past five years, we have no intention of diverting from our active efforts to reduce the role and numbers of nuclear weapons, increase confidence and transparency, strengthen nonproliferation, and address compliance challenges. We will do so pursuing all available and practical avenues. For instance, the United States earlier this month contributed resources and experts to the successful on-site inspection exercise held by the Comprehensive Test Ban Treaty Organization in Jordan. Such practical efforts help ensure that the international community will have an effective verification regime in place for the day when the CTBT enters into force. The United States has made clear that we are prepared to engage Russia on the full range of issues affecting strategic stability and that there are real and meaningful steps we should be taking that can contribute to a more predictable, safer security environment. Given that the United States and Russia continue to possess over 90% of the world’s nuclear weapons, this is an important and worthy goal.

In June 2013 in Berlin, President Obama stated U.S. willingness to negotiate a reduction of up to one-third of our deployed strategic warheads from the level established in the New START Treaty. Progress requires a willing partner and a conducive strategic environment, but the offer remains on the table. On the broader world stage, progress on disarmament requires that states take greater responsibility to resolve the conflicts that give rise to proliferation dangers. It requires ending the nuclear build-up in Asia; that Iran join an agreement restoring full confidence in the peaceful nature of its nuclear program; and that North Korea return to compliance with its international obligations. And it requires that we make progress where we can. This includes in the Middle East where we will spare no effort to convene an historic conference on a zone free of all weapons of mass destruction and systems for their delivery.

Further, as the United States considers arms control and nonproliferation priorities, we will continue to consult closely with our allies and partners every step of the way. Our security and defense—and theirs—is non-negotiable. We are in a difficult crisis period with the Russian Federation over Ukraine and Russia's violation of the INF Treaty. Addressing both situations is an ongoing process. With specific regard to the Russian INF violation, we will continue engaging the Russian government to resolve U.S. concerns. Our objective is for Russia to return to verifiable compliance with its INF Treaty obligations, as the Treaty is in our mutual security interest and that of the globe.

Indeed, we need cooperation with Russia and other nations to address new threats—first and foremost the threat of terrorists acquiring a nuclear weapon or nuclear material. They need this cooperation for their own security, as well. As I have outlined, there is no way to skip to the end and forgo the hard work of solving the truly daunting technical and political nonproliferation and disarmament challenges that lie ahead. It is not enough to have the political will to pursue this agenda; we have to have a practical way to pursue this agenda.

We can all acknowledge that verification will become increasingly complex at lower numbers of nuclear weapons, while requirements for accurately determining compliance will dramatically increase. Everyone who shares the goal of a world free of nuclear weapons should be devoting a lot of time and energy to address this challenge right now. With that idea in mind, I announced in Prague a new initiative: the International Partnership for Nuclear Disarmament Verification. The United States proposes to work with both nuclear weapon states and non-nuclear weapons states to better understand the technical problems of verifying nuclear disarmament, and to develop solutions. The United Kingdom and Norway have already pioneered this type of work. This new initiative will build on the spirit of that experiment to create a non-traditional partnership that draws on the expertise of talented individuals around the world, in both the public and private sectors. The Nuclear Threat Initiative will be a prime partner, providing intellectual energy and resources to the project. We are excited to work with them. We hope to work with more of you.

Beyond this effort, we will continue to work with the P5 on transparency and verification. The United States is pleased that the United Kingdom will host the sixth annual P5 conference early next year. The regular interaction, cooperation and trust-building happening now is the foundation on which future P5 multilateral negotiations on nuclear disarmament will stand.

In closing I would like to make clear that the United States has plans and we intend to see them through. Again, at the core of our efforts is our deep understanding of the human impacts of nuclear weapons. That is why I have traveled to the Marshall Islands, Hiroshima and twice to Utah this past year, so that I could meet with the people whose lives have been affected by nuclear weapons use or explosive testing. That is why the United States sent a delegation to the

Vienna Conference on the Humanitarian Impact of Nuclear Weapons Use last week. The United States understands that nuclear weapons are not a theoretical tool—they are real and any use would exact a terrible toll. No one in this country or any country should ever forget that.

* * * *

2. Non-Proliferation Treaty (“NPT”)

a. *P5 Conference*

In 2014, the permanent five members of the UN Security Council, or P5 (China, France, Great Britain, Russia, and the United States), continued to confer in preparation for the 2015 NPT Review Conference. After their conference April 14-15 in Beijing, China, the P5 issued a joint statement, available at www.state.gov/r/pa/prs/ps/2014/04/224867.htm, and excerpted below.

* * * *

1. The five Nuclear Non-Proliferation Treaty (NPT) nuclear-weapon states, or P5, met in Beijing on April 14-15, 2014, under the chairmanship of the People’s Republic of China, to build on the 2009 London, 2011 Paris, 2012 Washington, and 2013 Russian-hosted Geneva P5 conferences. The P5 reviewed progress towards fulfilling the commitments made at the 2010 NPT Review Conference (RevCon), and continued discussions on issues related to all three pillars of the NPT—disarmament, nonproliferation, and the peaceful uses of nuclear energy. The P5 also had a useful discussion with representatives of civil society during the Conference.

2. The P5 reviewed significant developments at the 2013 Preparatory Committee (PrepCom) for the 2015 NPT Review Conference and in the context of the NPT since the 2013 Geneva P5 Conference. The P5 reaffirmed that the NPT remains the essential cornerstone for the nuclear nonproliferation regime and the foundation for the pursuit of nuclear disarmament, and they remain committed to strengthening the NPT. They emphasized the importance of continuing to work together in implementing the Action Plan adopted by consensus at the 2010 NPT Review Conference, and reaffirmed their commitment to the shared goal of nuclear disarmament and general and complete disarmament as provided for in Article VI of the NPT. The P5 intend to continue to seek progress on the step-by-step approach to nuclear disarmament, which is the only practical path to achieving a world without nuclear weapons and in keeping with our NPT obligations.

3. The P5 intend to strengthen P5 engagement to advance progress on NPT obligations and 2010 NPT Review Conference Action Plan commitments. The P5 advanced their previous discussions on the issues of transparency, confidence-building, and verification, and welcomed the achievement under France’s leadership of P5 consensus on a reporting framework. They introduced to each other their national reports consistent with this reporting framework and Actions 5, 20, and 21 of the 2010 NPT RevCon Final Document, with a view to reporting to the 2014 PrepCom. They encourage other NPT States Party to submit reports, consistent with Action 20 of the NPT RevCon Final Document.

4. The P5 reviewed the work carried out by the Working Group on the Glossary of Key Nuclear Terms under China's leadership, and in this regard, noted the success of the Second Experts' Meeting of the Working Group held on 26-27 September 2013, in Beijing, which established milestones for the completion of the first phase of the Glossary effort for the 2015 RevCon. The progress made in this effort provides a solid foundation for the Working Group to submit its outcome on the terms currently under discussion to the 2015 NPT Review Conference. The P5 stressed again the importance of this work, which is increasing mutual understanding and will facilitate further P5 discussions beyond 2015 on nuclear issues.

5. The P5 had an exchange of views on their nuclear doctrines, strategic stability, and international security from their individual country perspectives to gain better understanding and build strategic trust. They also discussed the importance of verification in achieving progress towards further disarmament and ensuring the success of nonproliferation efforts. The P5 welcomed briefings by the Russian Federation and the United States on aspects of the New START Treaty's implementation, as well as on implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly-Enriched Uranium Extracted From Nuclear Weapons, signed in Washington, D.C. on 18 February 1993, and its related Protocol on HEU Transparency Arrangements. The P5 shared further information on their respective experiences in verification and resolved to continue such exchanges.

6. The P5 visited the Chinese National Data Centre for the implementation of the Comprehensive Nuclear Test-Ban Treaty (CTBT), as an endeavor to enhance transparency and mutual understanding. They recalled their commitment in the 2010 NPT RevCon Final Document to promote and take concrete steps towards early entry into force of the CTBT and its universalization. They called upon all States to uphold their national moratoria on nuclear weapons-test explosions or any other nuclear explosions, and to refrain from acts that would defeat the object and purpose of the treaty pending its entry into force. The P5 intend to continue their cooperative work to strengthen the CTBT verification regime. The P5 confirmed their support for the ad referendum arrangement for collaborative work by their CTBT technical experts towards improved critical on-site inspection techniques and technology.

7. The P5 supported efforts to revitalize the Conference on Disarmament (CD) and continue to be concerned with the impasse at the CD. They discussed efforts to find a way forward in the CD and reiterated their support for a comprehensive program of work, which includes the immediate start of negotiations in the CD on a legally binding, verifiable international ban on the production of fissile material (Fissile Material Cut-off Treaty or FMCT) for use in nuclear weapons or other nuclear explosive devices on the basis of CD/1299 and the mandate contained therein. The P5 participated fully in the first session of the UN Group of Governmental Experts (GGE) on FMCT, established in UNGA/A/RES/67/53, and look forward to further engagement in this group.

8. In reaffirming the historic contribution of the pragmatic, step-by-step process to nuclear disarmament and stressing the continued validity of this proven route, the P5 also emphasized their shared understanding of the severe consequences of nuclear weapon use and their resolve to continue to give the highest priority to avoiding such contingencies, which is in the interests of all nations.

9. The P5 shared their views on topical proliferation issues and remain concerned about serious challenges to the nonproliferation regime. They pledged to continue their efforts in different formats and at various international fora to find peaceful diplomatic solutions to the

outstanding issues faced by the nonproliferation regime. As they did previously, and looking ahead to the 2014 PrepCom, they called on the states concerned to fulfill without delay their international obligations under the appropriate UN Security Council resolutions, undertakings with the IAEA and other appropriate international commitments.

10. The P5 shared their views on how to prevent abuse of NPT withdrawal (Article X). They resolved to make efforts to broaden consensus among NPT States Party on the withdrawal issue at the 2014 PrepCom, thus making a further contribution to the NPT Review Process.

11. The P5 reviewed their efforts to bring about the entry into force of the relevant legally binding protocols of nuclear-weapon-free zone treaties as soon as possible. They also reiterated their support for the early convening of a conference, to be attended by all the States of the Middle East, on the establishment of the Middle East zone free of nuclear weapons and all other weapons of mass destruction, on the basis of arrangements freely arrived at by the states of the region.

12. The P5 discussed issues related to strengthening the International Atomic Energy Agency (IAEA) safeguards system. They stressed the need for strengthening IAEA safeguards including through the promotion of the universal adoption of the Additional Protocol and the development of approaches to IAEA safeguards implementation based on objective state factors. The P5 also discussed the role of the nuclear-weapon-states, in conformity with the provisions of the NPT, in assisting the IAEA in cases involving possible detection of nuclear weapon programs in non-nuclear weapon states.

13. The P5 noted that they are now more engaged than ever in regular interactions on disarmament, arms control, and nonproliferation issues. The P5 pledged to continue to meet at all appropriate levels on nuclear issues to further promote dialogue and mutual confidence. In addition to meeting at all appropriate levels, the P5 intend to hold a sixth P5 conference. The P5 welcomed the offer by the United Kingdom to host this conference in London in 2015.

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b. NPT Preparatory Committee

The Third Session of the Preparatory Committee ("PrepCom") for the 2015 NPT Review Conference met in New York April 28-May 9, 2014. See April 27, 2014 State Department media note, available at www.state.gov/r/pa/prs/ps/2014/04/225230.htm. The April 27 media note describes U.S. plans for the PrepCom:

At the PrepCom, the United States will advance efforts to promote full compliance with the NPT and IAEA safeguards agreements and gain support for actions to reduce nuclear arms and promote peaceful uses of nuclear energy. The PrepCom is an opportunity to build on the Action Plan approved by consensus at the 2010 NPT Review Conference and to discuss priorities for the next Review Conference in 2015. At the outset of the PrepCom, Under Secretary for Arms Control and International Security Rose Gottemoeller will provide opening remarks for the United States. The United States also will release a comprehensive national report on steps taken to implement the 2010 NPT

Action Plan and, as a measure of further transparency, will release updated nuclear weapon stockpile numbers.

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See section B.10.c., *infra*, for discussion of and excerpts from remarks by Thomas M. Countryman, U.S. Assistant Secretary of State for the Bureau of International Security and Nonproliferation, during the PrepCom at a session hosted by the Permanent Mission of Ukraine to the UN.

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On April 29, 2014, Under Secretary Gottemoeller addressed the Preparatory Committee in New York. Her remarks are excerpted below and available at <http://usun.state.gov/briefing/statements/225351.htm>.

* * * *

Let me begin by offering this message on behalf of the U.S. Secretary of State, John Kerry:

“As we approach the 45th anniversary of the Nuclear Non-Proliferation Treaty’s entry into force, let us take a moment to appreciate how remarkably well the Treaty has stood the test of time. The NPT remains the cornerstone of the global nonproliferation regime. Its three mutually reinforcing pillars constitute an essential legal barrier to the further spread of nuclear weapons, the foundation of efforts to further reduce existing nuclear arsenals, and the vehicle for promoting the peaceful uses of nuclear energy and technology under appropriate safeguards.

At this final session of the Preparatory Committee before the 2015 Review Conference, the United States urges all States Parties to take stock of progress made in implementing the 2010 Action Plan, identify remaining obstacles, and work to find common ground on ways to overcome them. We look forward to reporting detailed information on our efforts to translate those actions into accomplishments.

Let me assure you that the United States is more committed than ever to pursuing full implementation of the Treaty, as well as finding comprehensive solutions to the challenges it faces, to ensure that our children and grandchildren can enjoy the peace and security of a world without nuclear weapons. There is much hard work to be done, and there are no shortcuts or easy ways out. I wish this Preparatory Committee well and offer my hope for a productive and positive session that puts us on a path to success in 2015.”

Mr. Chairman, the United States is here to work. For nearly seven decades, the international community has struggled with the profound challenge nuclear weapons pose to our security as nations and our survival as human beings. My recent trips to the Marshall Islands and Hiroshima were potent reminders of the need to persevere in confronting this challenge. It is imperative that we make sure that people remember the human impact of nuclear weapons. Indeed, it is the United States’ deep understanding of the consequences of nuclear weapons

use—including the devastating health effects—that has guided and motivated our efforts to reduce and ultimately eliminate these most hazardous weapons.

The NPT plays a central role in our pursuit of a nuclear weapons-free world. Before the Treaty was created, many feared that the number of states with nuclear weapons would grow at an exponential rate, with incalculable risks of catastrophic nuclear confrontations.

The NPT stemmed the tide of proliferation and today, the complementary and reinforcing pillars of the Treaty bring important benefits to all NPT parties. The United States is committed to action on all fronts to strengthen the NPT. We have provided a comprehensive report as a working paper for this meeting that will illustrate our strong record of accomplishment.

Mr. Chairman, we have made significant progress on disarmament since the end of the Cold War. At its peak in 1967, the U.S. nuclear arsenal was comprised of 31,255 nuclear weapons. To paraphrase scientist Carl Sagan, we and the Soviets were waist deep in gasoline with some sixty thousand matches between us.

Three years later, the NPT entered into force. Today, I am pleased to announce that as of September 2013, the number of nuclear weapons in the active U.S. arsenal has fallen to 4,804. This newly declassified number represents an 85 percent reduction in the U.S. nuclear stockpile since 1967. It is indisputable that progress toward the NPT's disarmament goals is being made.

And our efforts continue. The New Strategic Arms Reduction Treaty—New START—with the Russian Federation is now in its fourth successful year of implementation. In 2018, when the central limits of the Treaty will be accomplished, our deployed strategic nuclear weapons will be at levels not seen since the days of President Eisenhower and Premier Khrushchev.

We are not finished. We have just passed the fifth anniversary of President Obama's historic speech in Prague, where he called for the peace and security of a world without nuclear weapons. The President reiterated these goals in Berlin in June 2013. He stated that the United States can ensure its security and that of its allies while safely pursuing further nuclear reductions with Russia of up to one-third in the deployed strategic warhead level established in the New START Treaty. The United States remains open to negotiate further reductions with Russia in all categories of nuclear weapons—including strategic and non-strategic nuclear weapons, deployed and non-deployed.

Recent actions have significantly undermined mutual trust and that trust will take time to rebuild. Still, no one should forget that even in the darkest days of the Cold War, the United States and the Soviet Union found it in our mutual interest to work together on reducing the nuclear threat.

In addition to bilateral efforts, the P5 have just concluded our fifth conference, hosted by China in Beijing. I would like to compliment and thank our Chinese colleagues for hosting an excellent interchange. P5 engagement is a long-term investment designed to strengthen the NPT, build trust, and create a stronger foundation to pursue steps toward our goal of a world without nuclear weapons. Among other accomplishments, we achieved consensus on a P5 NPT Reporting Framework, which has guided our national reporting to the 2014 PrepCom. In keeping with our Action Plan commitments, we will release our report to NPT Parties later this morning.

The entry into force of the Comprehensive Test-Ban Treaty remains a top priority for the United States. We are working to educate the American public on the security benefits of the Treaty, as well as the dangerous health effects of explosive nuclear testing. Of course, there is no reason for the remaining Annex 2 states to wait for the United States before completing their own ratification processes. We urge all States to provide adequate financial and political support

for the completion of the CTBT verification regime and its provisional operations between now and the entry into force of the treaty.

Mr. Chairman, multilateral nonproliferation efforts are also moving ahead. The United States is working to support nuclear-weapon-free zones that advance regional security and bolster the global nonproliferation regime. We look forward to signing the protocol to the Central Asian Nuclear Weapon Free Zone Treaty, and to working with ASEAN toward signature of the Southeast Asian Nuclear Weapon Free Zone Treaty protocol.

We also remain committed to the goal of a Middle East zone free of all weapons of mass destruction and to convening a regional conference to discuss such a zone. The recent direct engagement among states in the region is an important step forward. We urge those states to take advantage of this opportunity and to reach consensus on arrangements so that a conference can take place soon.

Even with these successes, noncompliance by a few states presents a direct challenge both to regional security and to the global nuclear nonproliferation regime. Countries that cheat on their commitments increase the risk of conflict and further proliferation, endangering people everywhere. It is in the interest of all parties to insist that violators return to compliance, and we are making every effort to resolve such challenges through peaceful, diplomatic means. This sentiment applies to all international security agreements and Treaties.

To protect against additional proliferation and respond to cases of non-compliance, the safeguards system of the International Atomic Energy Agency needs our full support and cooperation. As States Parties have increasingly recognized, that includes the adoption of an Additional Protocol, which bolsters regional and global security by providing a higher degree of assurance that countries are engaged solely in peaceful nuclear cooperation. Over 120 states have set a strong example by adopting Additional Protocols.

And as I speak of setting strong examples, yesterday, Ukraine held an event celebrating its historic decision twenty years ago, alongside Belarus and Kazakhstan, to join the Non-Proliferation Treaty as non-nuclear-weapon states. Ukraine's reaffirmation of its nonproliferation obligations reminds us of its critical contribution to help move us toward a world without nuclear weapons. We strongly appreciate the clear sightedness of Ukraine on this matter.

Mr. Chairman, in support of the third pillar of the NPT, the United States will continue to promote the safe and secure uses of peaceful nuclear technologies. We are by far the largest contributor to IAEA nuclear assistance programs. We will continue this support and look to increase where we can.

Since 2010, eleven states and the European Union have joined us in providing approximately \$66 million to the IAEA Peaceful Uses Initiative, which has helped more than 120 IAEA Member States worldwide. We encourage all states in a position to contribute to join us in supporting this initiative.

In closing, let us take the next two weeks to strengthen the Treaty that has brought us from a world that was in danger of having scores of nuclear weapons states to a world where we are cooperating to move toward zero nuclear weapons. We know and can acknowledge the differences among us on issues ranging from speed of action to priorities. We cannot and should not get caught up in what divides us. We have a job to do. Let us reinvigorate our common goals as outlined in the 2010 Action Plan, build consensus around the next logical steps in our path and focus on the mechanisms for accomplishing those steps.

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On May 1, 2014, Assistant Secretary Countryman delivered the U.S. statement on regional issues at the Preparatory Committee. Mr. Countryman's statement—addressing Iran, Syria, establishing a WMD-free zone in the Middle East, and North Korea—is excerpted below and available at www.state.gov/t/isn/rls/rm/2014/225511.htm.

* * * *

The United States and our E3+3 partners are engaged in a process aimed at peacefully resolving one of the most serious challenges to the integrity and credibility of the global nonproliferation regime: Iran's nuclear program. The E3+3 and Iran have been meeting intensively since February to discuss all of the issues that must be resolved as part of a long-term comprehensive solution that resolves the international community's concerns regarding Iran's nuclear program, verifiably ensures that Iran's nuclear program is exclusively peaceful, ensures Iran does not acquire a nuclear weapon, and returns Iran to full compliance with its NPT and other nonproliferation obligations. These discussions have been useful and constructive, and all sides are showing good faith.

In parallel, the IAEA is continuing its efforts to resolve the outstanding issues regarding Iran's nuclear program, including its possible military dimensions. We commend the IAEA for the professional, objective, and diligent manner in which it has conducted its efforts. It remains essential and urgent for Iran to cooperate fully with the IAEA to address all present and past issues to resolve the international community's legitimate concerns and advance a comprehensive diplomatic solution.

We look forward to the international community's continued support for the E3+3's efforts in the weeks and months ahead, which remains essential as we pursue a comprehensive diplomatic resolution which returns Iran to full compliance with its NPT obligations and would result in Iran being treated in the same manner as any other non-nuclear weapon state party to the Treaty.

...With regard to Syria, it has been nearly three years since the IAEA Board of Governors found Syria in noncompliance with its safeguards agreement. The Asad regime's continued failure to uphold Syria's nonproliferation obligations reinforces the international community's strong concerns regarding the continued potential for covert nuclear activities in Syria. It remains essential that ... Syria cooperate fully with the IAEA to remedy its noncompliance.

As we have made clear, the instability and violence the regime has wrought against its own people is no excuse for its failure to meet Syria's international obligations. Its noncompliance with its safeguards agreement remains a matter of serious and continuing concern to the international community. We commend the IAEA's efforts to resolve Syria's noncompliance.

...These cases of noncompliance undermine our efforts to achieve the goal of a Middle East free of all weapons of mass destruction (WMD) and their means of delivery. The United States continues to fully support this goal, and we stand by our commitment to convene a conference [freely arrived at by the states in the region] to discuss the establishment of a WMD-free zone in the Middle East.

There is significant progress since last year's PrepCom meeting. Regional states have participated in three rounds of multilateral consultations in Switzerland, moving closer to consensus on an agenda and modalities for a conference. Direct engagement among the parties in

the region is an essential step forward. We encourage the parties to continue discussions and continue the positive tone all parties—both our Arab friends and Israel—have displayed. The fact that three rounds of consultations have been held over a six month period and that statements in the small room in Glion were more positive than what we hear in this hall, is itself a confidence building measure, and one that has helped advance this process considerably.

Ambassador Laajava has proposed additional meetings following this PrepCom meeting and we commend him for his leadership and intensive efforts to bring the parties together. These consultations are an important element of preparation, but do not replace the conference itself. We hope that all states in the region take full advantage of this opportunity, to attend the consultations, to seek solutions in good faith and above all, to do what the states of Africa, the states of Latin America, the states of Southeast Asia, and other regions have done: to take ownership of the process and responsibility for the difficult compromises ahead.

Beyond the conference, actual achievement of a WMD-free zone in the Middle East is a long-term undertaking, and will require that essential conditions be in place in order to achieve it. These conditions include a comprehensive and durable peace in the region, and ensuring full compliance by all regional states with their arms control and nonproliferation obligations.

...A critical and growing threat to the integrity of the global nonproliferation regime, and to our common peace and security, is North Korea's continued pursuit of nuclear weapons and their means of delivery. Despite consistent calls to correct course, North Korea continues to act in direct defiance of the clear and overwhelming international consensus that the DPRK must abandon all its nuclear weapons and existing nuclear programs—including plutonium production and uranium enrichment—and cease all related activities immediately.

As we have made clear, the United States remains open to a meaningful and authentic diplomatic process to implement the 2005 Joint Statement of the Six-Party Talks and to bring North Korea into compliance with its UN Security Council obligations through irreversible steps leading to denuclearization. However, the onus remains on North Korea to make the right choice—its recent actions and threats indicate that it is intent on defiance over denuclearization. Together with our partners in the Six-Party process, we are focused on urging North Korea to take meaningful actions toward verifiable denuclearization and refrain from further provocations.

Our message to North Korea is clear. The international community will not accept North Korea as a nuclear-armed state. We seek its return to the NPT and IAEA safeguards as a non-nuclear weapon state party and to full compliance with its nuclear nonproliferation obligations. We also call on North Korea to make a firm commitment and concrete progress toward complete, verifiable and irreversible denuclearization, and join the community of responsible nations.

* * * *

On May 2, 2014, Christopher Buck, Deputy Chief of Mission for the U.S. Delegation to the Conference on Disarmament, delivered the U.S. statement on nuclear disarmament and security at the PrepCom in New York. Mr. Buck's remarks are excerpted below and available at www.state.gov/t/isn/npt/prepcom/remarks/225654.htm.

* * * *

I am pleased to provide an update on ongoing U.S. activities in fulfillment of our obligations and commitments under Article VI of the Nuclear Non-Proliferation Treaty (NPT) and the 2010 NPT Action Plan. In this context, I highlight the extensive report that the United States has submitted to this Preparatory Committee meeting, consistent with Actions 5, 20, and 21 of the 2010 NPT Action Plan.

U.S. policy is to achieve the peace and security of a world without nuclear weapons. This remains a central element of President Obama's nuclear agenda, and we are working to create conditions that can enable its eventual achievement by pursuing a multifaceted, step-by-step approach incorporating national, bilateral, and multilateral actions.

It is because we understand the consequences of the use of nuclear weapons that the United States continues to devote considerable resources in a decades-long effort to reduce and ultimately eliminate nuclear weapons. There is no "quick fix" to achieving nuclear disarmament. There is no path other than the hard, daily work of verifiable step-by-step disarmament to which we remain resolutely committed.

In line with our support for the NPT, in 2010 the United States changed our nuclear posture to further reduce the number and role of nuclear weapons in our national security strategy and emphasize the interest of all nations in extending the 69-year record of non-use of nuclear weapons. The President also made it clear that the United States will not develop new nuclear warheads nor will we pursue new military missions for nuclear weapons.

This important shift in U.S. nuclear posture has taken place against the backdrop of dramatic and ongoing reductions in our nuclear arsenal. In fact, when the NPT entered into force in 1970, the United States had a nuclear stockpile of over 26,000 nuclear weapons. As Under Secretary Gottemoeller announced on Tuesday, the U.S. nuclear stockpile now has been reduced to 4,804 warheads, which reflects an 85% decrease from its Cold War peak. During this period, the United States reduced its non-strategic nuclear warheads by 90 percent. To lend a better sense of the scale of this ongoing activity in the post-Cold War period, between 1994 and 2013, the United States dismantled 9,952 nuclear warheads.

Moreover, this effort continues as we fulfill our obligations under the New Strategic Arms Reduction Treaty (New START) between the United States and Russia, now in its fourth year of implementation. When the Treaty limits are reached in 2018, the strategic forces of the United States and Russia will be capped at 1,550 deployed strategic warheads, their lowest level since the 1950s.

Contrary to the view expressed by some in this hall, we do not regard the achievement of nuclear disarmament as simply a rhetorical goal. It is one the United States is working on and pursuing every day.

And this work is not done. As outlined by President Obama in Berlin in June 2013, the United States remains open to negotiate further reductions with Russia in all categories of nuclear weapons—including strategic and non-strategic nuclear weapons.

We are also developing effective verification methodologies and processes that will be essential as we move toward increasingly smaller nuclear arsenals. Our experience with verified bilateral nuclear disarmament provides valuable experience and useful tools for multilateral nuclear disarmament approaches in the future. To that end, we are working closely with all NPT nuclear weapon states (or "P5") to lay the foundation for future arms control agreements with participants beyond Russia and the United States.

Within the P5 process we have institutionalized regular dialogue on nuclear weapons-related issues. China hosted a fifth P5 Conference in Beijing on April 14 and 15, and the United Kingdom has agreed to host a sixth conference next year. Through these high-level conferences and frequent expert-level meetings, the P5 were able to reach consensus on a framework for reporting to this PrepCom in accordance with their commitments in the Action Plan. ...

Turning to the broader multilateral context, the United States supports the immediate commencement of negotiations on a Fissile Material Cutoff Treaty (FMCT), which is the next logical and necessary step toward achieving our shared disarmament goals. A verifiable ban on the production of fissile material for use in nuclear weapons is necessary if we are to create conditions for a world without nuclear weapons. All states can contribute to achieving this goal. We are disappointed that the Conference on Disarmament (CD) has been unable to initiate negotiations on an FMCT. Even as we continue our efforts in the CD, the United States is actively engaged in the meeting of the FMCT Group of Governmental Experts (GGE), which can usefully complement efforts to promote negotiations of an FMCT in the CD.

In another important multilateral effort, the ratification and entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) remains a top priority for the U.S. Administration. Our active involvement in all activities of the CTBT Organization's Preparatory Commission clearly demonstrates our ongoing commitment to the Treaty and the vital importance the United States attaches to completing the verification regime. The United States recognizes that the voluntary adherence to unilateral nuclear testing moratoria is no substitute for a legally binding prohibition against the conduct of such explosions. Entry into force of the CTBT is in the security interests of every nation. All States have an important role to play in providing the necessary resources to complete the Treaty's verification regime and maximize the capabilities of the Provisional Technical Secretariat.

...The United States recognizes the importance of security assurances in the context of the NPT. Accordingly, the United States updated and strengthened its long-standing negative security assurance policy in the context of the U.S. Nuclear Posture Review published in April 2010. The United States declared that it will not use or threaten to use nuclear weapons against non-nuclear weapon States that are party to the NPT and in compliance with their nuclear nonproliferation obligations. It was also made clear that the United States would only consider the use of nuclear weapons in extreme circumstances to defend the vital interests of the United States or our allies and partners.

The United States also supports well-crafted nuclear-weapon-free zones (NWFZs) that are vigorously enforced and developed in accordance with the guidelines adopted by the United Nations Disarmament Commission. We are a Party to both Protocols of the Treaty of Tlatelolco and in recent years the United States has worked toward extending legally binding negative security assurances by submitting for ratification the protocols to the African and South Pacific nuclear-weapon-free zones. We are pleased to note that the United States and other NPT nuclear weapon states will soon sign the Protocol to the Central Asian Nuclear Weapon Free Zone Treaty. The nuclear weapon states are also engaging ASEAN to resolve any remaining differences so that we can sign the revised Protocol to the Southeast Asia nuclear-weapon-free zone. These actions are a priority for us.

* * * *

After the conclusion of the 2014 PrepCom, on May 9, 2014, the State Department issued a fact sheet on its outcomes, excerpted below and available at www.state.gov/r/pa/prs/ps/2014/05/225910.htm.

* * * *

Under the Chairmanship of Ambassador Enrique Roman-Morey of Peru, the PrepCom accomplished all of its procedural tasks ahead of the 2015 NPT Review Conference and provided for a substantive, detailed exchange on the three NPT pillars: disarmament, nonproliferation, and peaceful uses of nuclear energy. The United States emphasized the central role of the NPT in addressing the profound challenges that nuclear weapons pose to the security and survival of nations. In a comprehensive report presented to the PrepCom, the United States highlighted the significant progress underway to reduce the number and role of nuclear weapons and to ensure compliance with the Treaty's nonproliferation goals. As a transparency step, the United States also released a newly declassified nuclear weapon stockpile fact sheet that shows more than 1,200 nuclear weapons dismantled since 2009. Highlighting the PrepCom, the United States and the other nuclear weapon states (China, France, Russia and the UK), signed the Protocol to the Central Asia Nuclear Weapon Free Zone Treaty. The Protocol, once in force, provides legal assurances against the use or threat of use of nuclear weapons to the five Central Asian states.

"The NPT remains the cornerstone of global nonproliferation efforts and all Parties share in the responsibility to uphold it," said Assistant Secretary Countryman. "I was pleased to sign the Central Asia Treaty Protocol, a step that benefits the security of states that are parties to the NPT and meet their nonproliferation obligations." In remarks to the PrepCom, Assistant Secretary Countryman also highlighted progress underway to convene a conference on a Middle East zone free of weapons of mass destruction that has the full support of all regional states. "The United States remains committed to the goal of convening a conference once the regional states reach consensus on an agenda and related documents," said Assistant Secretary Countryman.

The United States will continue to pursue steps that contribute to nuclear disarmament, while addressing the serious challenge of cases of noncompliance with Treaty obligations, including that posed by North Korea, and continuing to support access to the peaceful uses of nuclear energy in areas such as human health, water resources, agriculture, and food security. The United States is the largest single contributor to IAEA peaceful uses programs, and has pledged \$50 million to the IAEA Peaceful Uses Initiative over a period of five years beginning in 2010. In parallel, the United States is seeking to build support for this initiative by inviting contributions from other states, with a goal of bringing the total support for this initiative to \$100 million.

* * * *

c. *Litigation Involving Alleged NPT Breach*

On July 21, 2014, the United States filed its motion to dismiss a case brought in federal court in California by the Republic of the Marshall Islands alleging that the United States has breached its obligations under Article VI of the NPT. *Republic of the Marshall Islands*

v. United States, No. 4:14-cv-01885-JSW (N.D. Cal.). Article VI provides that “[e]ach of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a treaty on general and complete disarmament under strict and effective international control.” The complaint requests a declaratory judgment that the United States has breached this obligation and an injunction requiring the United States to call for and convene disarmament negotiations within one year. The Republic of the Marshall Islands also filed complaints against the United States and other countries in the International Court of Justice (“ICJ”) making similar claims. Excerpts follow (with footnotes omitted) from the U.S. brief in support of its motion to dismiss, which is available in full at www.state.gov/s/l/c8183.htm. The U.S. brief in reply to plaintiff’s opposition to the motion to dismiss is also available at www.state.gov/s/l/c8183.htm.*

* * * *

I. Plaintiff Has Failed to Allege the Necessary Elements of Standing

The constitutional separation of powers, as embodied in Article III of the Constitution, restricts the subject matter jurisdiction of the federal courts to the resolution of specific “‘cases’ and ‘controversies’” and prevents courts from taking action to address matters better suited to legislative or executive action. *Allen v. Wright*, 468 U.S. 737, 750 (1984). One manifestation of the “case or controversy” limitation is the requirement of “standing.” ...

Plaintiff alleges two injuries in its Complaint to support its standing. First, plaintiff asserts that the “failure” of the United States to “honor its Article VI commitments . . . leaves Plaintiff Nation exposed to the dangers of existing nuclear arsenals and the real probability that additional States will develop nuclear arms.” Such a generalized and speculative fear of the potential danger of nuclear proliferation does not constitute a concrete injury required to establish injury in fact. *See Johnson v. Weinberger*, 851 F.2d 233, 235 (9th Cir. 1988) (“Inferences concerning the uncertain and indefinite effects of the nation’s strategic defense policy are, at best, speculative.”); *Pauling v. McElroy*, 278 F.2d 252, 254 (D.C. Cir. 1960) (holding that plaintiffs lacked standing in suit to enjoin nuclear testing because the alleged injury was shared in common with “all mankind.”).

In addition, even assuming a concrete injury, plaintiff has not established causation or redressability. The United States is not the only State with nuclear weapons, and the United States alone cannot therefore be identified as the source of plaintiff’s purported injury. Moreover, it is entirely speculative whether, should this Court declare the United States in breach of its Article VI obligations and order the United States to call for and convene negotiations for nuclear disarmament, any other nuclear weapon state would agree to participate in such negotiations, let alone whether such a conference would lead to the cessation of the nuclear race or nuclear disarmament. *See ... also Gonzales v. Gorsuch*, 688 F.2d 1263, 1267 (9th Cir. 1982) (citing *Greater Tampa Chamber of Commerce v. Goldschmidt*, 627 F.2d 258, 263-64 (D.C. Cir. 1980)

* Editor’s note: On February 3, 2015, the district court granted the motion to dismiss on the grounds that the plaintiff lacks standing and that the case presents a non-justiciable political question.

(holding that the invalidation of an international agreement would not redress injury because relief depended on the conduct of a foreign sovereign)).

Plaintiff's second allegation in support of its standing—that it has been denied the “benefit of its Treaty bargain”—is similarly incapable of redress by this Court.Whatever the nature of that benefit, this Court could not provide relief that would remedy that alleged harm because such a remedy necessarily depends on the actions of other State Parties to the Treaty not before this Court. What plaintiff actually wants is an advisory opinion that would allow it to “determine its next steps in pursuit of the grand bargain represented by the Treaty.” ... This Court lacks jurisdiction to issue such an opinion. *See, e.g., MacCaulay v. U.S. Foodservice, Inc.*, 152 F. Supp. 2d 1229, 1230 (D. Nev. 2001) (“It is improper for a United States District Court to express advisory opinions about what an agency within the executive branch will do or require.”).

II. Plaintiff's Request for this Court to Dictate United States Negotiations Regarding Nuclear Disarmament Is Prohibited by the Political Question Doctrine

Plaintiff urges this Court to declare that the United States “is in continuing breach of the obligations under Article VI of the [NPT] to pursue negotiations in good faith” and to order that the United States “take all steps necessary to comply with its obligations under Article VI . . . within one year of the date of this Judgment, including by *calling for and convening* negotiations for nuclear disarmament in all its aspects.” Such negotiations, in plaintiff's view, would occur “as required and within the construct contained in the foregoing Declaratory Judgment.” ...

In sum, plaintiff seeks an order (1) declaring the United States in breach of its obligations under a multilateral international treaty, (2) requiring the United States to conduct “in good faith” multilateral negotiations with foreign States, including the specific remedy of calling for and convening negotiations on nuclear disarmament “in all its aspects,” and (3) requiring such negotiations to take place within “one year of the date of this Judgment” and within the “construct” set forth by this Court (presumably under the threat of contempt sanctions should the Court deem the negotiations insufficient).

In light of the principles set out in *Baker v. Carr*, 369 U.S. 186, 208-26 (1962), it is difficult to conceive of a case that is less suited for judicial resolution than the present one. “The most appropriate case for applicability of the political question doctrine concerns the conduct of foreign affairs.” *Zivkovich v. Vatican Bank*, 242 F. Supp. 2d 659, 665 (N.D. Cal. 2002); *see also Chi. & S. Air Lines v. Waterman S.S. Corp. Civil Aeronautics Bd.*, 333 U.S. 103, 111 (1948). Indeed, “[i]t is well established that the judiciary cannot order the government of the United States to comply with the terms of an agreement with another sovereign.” *Kwan v. United States*, 84 F. Supp. 2d 613, 623 (E.D. Penn. 2000); *see also Antolok v. United States*, 873 F.2d 369, 379 (D.C. Cir. 1989); *Holmes v. Laird*, 459 F.2d 1211, 1220, 1220 n.61 (D.C. Cir. 1972) (collecting cases); *Z & F Assets Realization Corp. v. Hull*, 114 F.2d 464, 471 (D.C. Cir. 1940).

As an initial matter, an order of this Court declaring the United States in violation of its international Treaty obligations would squarely contradict, and interfere with, the position of the United States that it is “in compliance with all its obligations under arms control, nonproliferation, and disarmament agreements and commitments.” Department of State, Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments (2013), at <http://www.state.gov/t/avc/rls/rpt/2013/211884.htm> (last visited July 18, 2014)

Moreover, even if this Court deemed it proper to decide whether the United States is in breach of its international obligations, it would have no standards by which it could determine, *inter alia*, the framework for future negotiations, or decide whether future negotiations would be sufficient. ... Indeed, this Court's involvement in the NPT regime and multilateral disarmament negotiations could have myriad unanticipated consequences. For example, the arbitrary "one year" timeframe sought by plaintiff or the absence of nations not before this Court would present entirely new variables to confront in negotiations.

Echoing these concerns, the Ninth Circuit previously declined to exercise such authority in a similar context. In *Earth Island Institute v. Christopher*, 6 F.3d 648, 650, 653 (9th Cir. 1993), the Ninth Circuit held that plaintiffs' request for an order requiring the Executive to "initiate treaty negotiations" is "not one that is justiciable in any federal court." According to the Ninth Circuit, "[t]he statute's requirement that the Executive initiate discussions with foreign nations violates the separation of powers, and this court cannot enforce it." *Id.* at 652.

Accordingly, this case presents a political question that is not justiciable in federal court.

III. The NPT Is Not Self-Executing And Does Not Provide a Private Cause of Action

Plaintiff's claims should also be dismissed because Article VI of the NPT is not self-executing and thus may not be directly enforced in United States courts. In addition, the NPT does not provide a private cause of action.

* * * *

There is no intent expressed in the text of Article VI, the ratification history of the NPT, or its post-ratification understanding that Article VI is self-executing. ...

... Indeed, Article VI "is . . . silent as to any enforcement mechanism" in the event of noncompliance. *Medellin*, 552 U.S. at 508. Accordingly, Article VI "is not a directive to domestic courts"; rather, "[t]he words of [Article VI] call upon governments to take certain action." *Id.* ... "In other words, [Article VI of the NPT] reads like 'a compact between independent nations' that 'depends for the enforcement of its provisions on the interest and the honor of the governments which are parties to it.'" *Medellin*, 552 U.S. at 508-09 (quoting *Head Money Cases*, 112 U.S. at 598); *see also Bond v. United States*, 134 S. Ct. 2077, 2084 (2014); *Head Money Cases*, 112 U.S. at 599; *Foster v. Neilson*, 27 U.S. 253, 314 (1829).

The intent of the Senate in ratifying the Treaty confirms this conclusion. Because the issue of judicial enforcement of Article VI of the NPT was not a central feature of the ratification debate, the record lacks any indication that Article VI was intended to be enforceable in domestic courts. To the contrary, when the issue of the legal effect of the treaty was raised, Senator Fulbright, Chair of the Committee on Foreign Relations, explained that, should Congress later abrogate the treaty, the "infraction becomes the subject of international negotiations and reclamations *It is obvious that with all this the judicial courts have nothing to do and can give no redress.*" 115 Cong. Rec. 6204 (1969) (internal quotations omitted) (emphasis added).

The post-ratification history of the NPT also supports the conclusion that Article VI is not self-executing.... [I]n conjunction with the fourth review conference on the NPT in 1990, the Senate agreed to a concurrent resolution to ... express the sense of the Senate that the treaty has been of great use to the United States. *See* 136 Cong. Rec. S9303-02 (daily ed. June 28, 1990). In presenting the concurrent resolution, its sponsor expressly indicated that "[t]he NPT is not self-executing." 136 Cong. Rec. S7152-01 (daily ed. June 5, 1990). Rather, "[s]ignatories must

actively pursue policies in favor of nonproliferation and monitor developments closely if the treaty is to succeed.” *Id.*

Indeed, despite multiple conferences on the NPT post-ratification, there has been no indication that the United States or any of the other State Parties contemplated any domestic enforcement mechanism for alleged violations of the Treaty. Rather, State Parties have specifically indicated that “concerns over compliance with any obligation under the Treaty by any State Party should be pursued through diplomatic means.” 2010 Review Conference, Final Document at 3, *available at*

[http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50 \(VOL.I\)](http://www.un.org/ga/search/view_doc.asp?symbol=NPT/CONF.2010/50 (VOL.I)) (last visited July 18, 2014).

Even if this Court finds that the NPT is self-executing, further inquiry would be needed to determine whether it creates a private cause of action that provides for the enforcement of the treaty by individuals in federal court. *See Serra v. Lappin*, 600 F.3d 1191, 1197 (9th Cir. 2010); *Cornejo v. Cnty. of San Diego*, 504 F.3d 853, 856 (9th Cir. 2007). “Whether or not aptly characterized as a ‘presumption,’ the general rule is that [i]nternational agreements, even those directly benefiting private persons, generally do not create private rights or provide for a private cause of action in domestic courts” *Cornejo*, 504 F.3d at 859 (internal quotation omitted).

Unlike other agreements that could be interpreted to provide a private cause of action, Article VI of the NPT concerns only negotiations between nation States. *See id.* at 861 (“The Vienna Convention on Consular Relations is an agreement among States whose subject matter- ‘Consular Relations’ -is quintessentially State-to-State.”). Accordingly, Article VI does not provide a cause of action that would permit plaintiff to enforce the Article in federal court.

* * * *

V. This Court Cannot, And Should Not, Grant Plaintiff Its Requested Relief After Failing to Raise Its Claim in Federal Court for Almost Two Decades

Pursuant to 28 U.S.C. § 2401(a), “all civil actions against the United States must be filed within six years after the right of action first accrues,” *i.e.* when plaintiff “knew or should have known of the wrong and was able to commence an action based upon that wrong.” *Wild Fish Conservancy v. Salazar*, 688 F. Supp. 2d 1225, 1233 (E.D. Wash. 2010). Here, plaintiff alleges that “[m]ore than 44 years have passed . . . and the U.S. has not pursued negotiations in good faith.” Indeed, plaintiff alleges that the “early date” for negotiations “has long since passed.” *Id.* Moreover, plaintiff acceded to the treaty in 1995, . . . yet almost two decades passed before plaintiff chose to file suit.

Plaintiff suggests that the United States is in “continuing breach of the treaty.” . . . However, the alleged “continuation” of the purported wrong does not entitle plaintiff to delay unreasonably in pursuit of a legal remedy. Indeed, “[p]laintiff[’s] interpretation . . . , taken to its logical end, suggests a *de facto* elimination of any statute of limitation, for the limitation period would never begin to accrue.” *Wild Fish Conservancy*, 688 F. Supp. 2d at 1236. . . .

Even if the statute of limitations did not bar plaintiff’s claim, this Court should still refuse to grant the requested relief. “A declaratory judgment, like other forms of equitable relief, should be granted only as a matter of judicial discretion, exercised in the public interest.” *Eccles v. Peoples Bank of Lakewood Vill., Cal.*, 333 U.S. 426, 431 (1948); *see also Wilton v. Seven Falls Co.*, 515 U.S. 277, 282 (1995). Here, the issuance of declaratory (and associated injunctive) relief would be contrary to the public interest, as it would risk interfering with the efforts of the

Executive Branch in the foreign and military arenas, where discussions regarding the appropriate steps in support of nuclear disarmament are ongoing. Indeed, the next review conference on the NPT is scheduled for 2015 at the United Nations in New York, and, as always, the matter of efforts under Article VI will be the subject of discussion among the multitude of State Parties.

The inequity of a declaratory judgment in the present case is highlighted by the fact that the NPT has been in force since 1970, *see supra* at 1, that plaintiff acceded to the treaty in 1995, ..., and that the International Court of Justice issued the ruling on which plaintiff heavily relies in 1996, Plaintiff should not now be permitted to raise its claims in disruption of the diplomatic context that has prevailed for a generation. *See Apache Survival Coal. v. United States*, 21 F.3d 895, 905 n.12, 905-06 (9th Cir. 1994) (“We note that a declaratory judgment, because it is equitable in nature, can be barred by laches.”).

* * * *

3. Comprehensive Nuclear Test Ban Treaty

On March 1, 2014, Acting Under Secretary of State for Arms Control and International Security Gottemoeller* discussed the importance of the Comprehensive Nuclear Test Ban Treaty at a ceremony in honor of the Republic of Marshall Islands Nuclear Remembrance Day. Her remarks pertaining to the CTBT appear below. Her remarks in their entirety are available at www.state.gov/t/us/2014/222790.htm.

* * * *

Mindful of the devastating human consequences of nuclear war, the United States has also clearly stated that it is in our interest, and that of all other nations, that the nearly 70-year record of non-use of nuclear weapons be extended forever. We also concluded that the time for a complete and total ban on nuclear explosive testing is long overdue. U.S. ratification of the Comprehensive Nuclear Test-Ban Treaty (CTBT) is a pivotal part of this effort.

Ratification of the CTBT is central to leading other nuclear weapons states toward a world of diminished reliance on nuclear weapons, reduced nuclear competition, and eventual nuclear disarmament. The United States now maintains a safe, secure and effective nuclear arsenal through our science-based Stockpile Stewardship program without nuclear explosive testing, which the United States halted in 1992.

The United States will be patient in our pursuit of ratification, but we will also be persistent. It has been a long time since the CTBT was on the front pages of newspapers, so we will need time to make the case for this Treaty. Together, we can work through questions and concerns about the Treaty and explosive nuclear testing. Our answers to those questions continue to grow stronger with the proven and increasing capabilities of the Stockpile Stewardship program and the verification system of the Treaty, including the International Monitoring System.

* Editor's note: Rose E. Gottemoeller was sworn in as Under Secretary for Arms Control and International Security on March 7, 2014. She had served as Acting in this position since February 7, 2012.

I cannot emphasize strongly enough that it is precisely our deep understanding of the consequences of nuclear weapons—including the dangerous health effects of nuclear explosive testing—that has guided and motivated our efforts to reduce and ultimately eliminate these most dangerous and awe-inspiring weapons. Entry into force of the CTBT is one such essential part of our pragmatic, step by step approach to eliminating nuclear dangers. The Treaty will make the world a safer place for the Marshall Islands, the United States, for every nation around the globe.

* * * *

4. Conference on Disarmament

On February 4, 2014, Acting Under Secretary Gottemoeller delivered a statement (excerpted below) to the Conference on Disarmament in Geneva in which she discussed, among other things, the impasse over the Fissile Material Cut-off Treaty (“FMCT”). Acting Under Secretary Gottemoeller’s remarks are available in full at www.state.gov/t/us/221215.htm.

* * * *

In his January 21 remarks to the Conference, UN Secretary General Ban Ki-moon spoke about the importance of substantive discussion in laying groundwork for future CD negotiations. The United States believes it is crucial for the CD to adopt a program of work, but we also believe we must continue to engage substantively with one another – both about the disarmament steps we are taking and the steps we hope to take next—as we work to break this body’s impasse.

As colleagues here are well aware, we stand ready to begin negotiations on an FMCT, the next logical—and necessary—step in creating the conditions for a world without nuclear weapons. It has been frustrating to watch the CD remain deadlocked over this issue, but negotiation of an FMCT is an essential prerequisite for global nuclear disarmament. In recognition of this fact, Action 15 of the 2010 NPT Review Conference Action Plan included an agreement that the CD should begin immediate negotiation of an FMCT. The United States will continue to urge negotiation of an FMCT in this body, convinced that FMCT negotiations at the CD will provide each member state the ability not only to protect, but also to enhance its national security. With that as our guiding conviction, we look forward to engaging fully in the upcoming meetings of the Group of Governmental Experts (GGE), with a view to providing further impetus to long-sought FMCT negotiations in the CD.

As disappointed as we are that a Program of Work for the CD remains elusive, we are not standing still. The United States has slashed its nuclear stockpile by 85% from Cold War levels. Under the New START Treaty, US and Russian deployed strategic nuclear warheads will decline to their lowest levels in over half a century. Recently, the US-Russia Highly Enriched Uranium (HEU) Purchase Agreement culminated with the final shipment of low enriched uranium converted from the equivalent of 20,000 dismantled Russian nuclear warheads to fuel US nuclear reactors. Those former warheads have been providing ten percent of all US electricity. One in ten light bulbs in the U.S. are lit by former Soviet weapon material

Historic efforts like this one reflect the ongoing and significant progress we are making toward our Nuclear Non-Proliferation Treaty Article VI commitments. Here I would add that there are no shortcuts to reaching our shared goal of a world without nuclear weapons. It is necessarily an incremental process that requires hard work by governments operating in the realm of supreme national and international security commitments impacting regional and global stability. The United States is expending tremendous effort to meet its commitments, and we look forward to continuing to engage the Russian Federation regarding issues of strategic stability and with a view to achieving further bilateral reductions.

Like many of you, we are preparing for the upcoming meeting of the NPT Third Preparatory Committee, where we look forward to discussing the important roles both nuclear weapons states and non-nuclear weapons states play in implementing the 2010 Action Plan, in anticipation of the 2015 NPT Review Conference. We are also preparing for the fifth P5 Conference, which we thank China for hosting this year.

The United States attaches great value to the P5 process. I like to stress, the importance of the P5 process is not what it can produce in the immediate-term, but rather what it means for the prospects of multilateral nuclear disarmament efforts in years to come. These conferences are an essential means for laying the foundation for future agreements that could involve parties beyond the United States and Russia. Most people understand that we and Russia likely will need to take some additional bilateral steps before our arsenals are to a level where other nuclear weapon states would be prepared to join us at the negotiating table. The work we are doing now in these conferences will help to ensure that when that day arrives, we will not be starting at square one. Our partners will have the opportunity to benefit from the experience we have gained and shared regarding how monitoring activities like on-site inspections can be conducted to gain an understanding about the technology required to conduct arms control activities and methods of information sharing that build confidence that treaty partners are adhering to the agreement.

We also hope this process will lead to cooperative work in addressing the significant verification challenges we will face as we move to lower numbers and categories of nuclear weapons beyond strategic weapons. The United States and the UK have begun some of this work on developing verification procedures and technologies, and we have briefed our P5 partners on the results. The P5 are uniquely positioned to engage in such research and development given their experience as nuclear weapon states. In the context of a P5 working group chaired by China, we continue to develop a common glossary of nuclear weapons-related terms. A glossary may not sound important or interesting, until you consider that verifiable multilateral nuclear disarmament will require clear agreement on the definitions and concepts for the vital aspects that must be covered in future treaties.

We continue to work to build support for ratification of the CTBT, making the case to our citizens and legislators that the Treaty will serve to enhance our collective security. We ask for the support of the international community in continuing to build and maintain the International Monitoring System and On-Site Inspection regime. As we make the case for the Treaty's verifiability, this support will be crucial.

These are just a few of the practical measures we are taking to advance toward our shared goal. We celebrate the progress these step-by-step efforts have achieved, but we know we still have much work to do. We remain committed to fulfilling our obligations and working to take additional practical and meaningful steps. Like UN Secretary General Ban Ki-moon, the United States agrees the CD continues to possess promise. It must surmount its deadlock regarding a Program of Work, and in pursuit of that goal the United States is open to renewing the Informal

Working Group. At the same time, we believe that CD member states should foster substantive discussions aimed at future progress, with a view to promoting the prospects for work on issues ripe for negotiation, above all, an FMCT. Like the Secretary General, we hope the CD helps to build “a safer world and a better future” because we also believe “that is its very mission.” Thank you.

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5. International Atomic Energy Agency (“IAEA”)

On January 29, 2014, President Obama submitted to Congress for its review a proposed Third Amendment to the Agreement for Cooperation between the United States of America and the International Atomic Energy Agency. The President had made the requisite determination on January 17, 2014 pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2153(b)), that performance of the Third Amendment will promote, and will not constitute an unreasonable risk to, the common defense and security. Daily Comp. Pres. Docs. DCPD No. 00035 (Jan. 17, 2014). As explained in a January 29, 2014 State Department Media Note, available at www.state.gov/r/pa/prs/ps/2014/01/220774.htm:

The original Agreement entered into force on August 7, 1959, and was amended on May 31, 1974, and May 6, 1980. Under the proposed Amendment, the term of the Agreement would be extended an additional forty (40) years for a total term of ninety-five (95) years.

The newly amended Agreement would allow the United States and IAEA to continue their decades of nuclear cooperation. It would continue to provide a comprehensive framework for peaceful nuclear cooperation with the IAEA and facilitate our mutual objectives related to nonproliferation and the peaceful uses of nuclear energy. The Agreement exemplifies the U.S. Government’s strong support for IAEA peaceful uses activities, and the United States looks forward to expanding these cooperative efforts in the years to come.

In his message to Congress transmitting the proposed amendment, the President included a summary of the significance to the United States of the Agreement with the IAEA. Daily Comp. Pres. Docs. DCPD No. 00054 (Jan. 29, 2014). Excerpts follow from the President’s Message to the Congress Transmitting the Third Amendment to the Agreement for Co-operation Between the United States of America and the International Atomic Energy Agency.

Pursuant to the proposed Amendment, the Agreement for Co-operation Between the United States of America and the International Atomic Energy Agency, signed at Vienna May 11, 1959, as amended and extended February 12, 1974, and January 14, 1980 (the “Agreement”), would continue to provide a comprehensive framework for peaceful nuclear cooperation with the IAEA and

facilitate our mutual objectives related to nonproliferation and the peaceful uses of nuclear energy. The primary purposes of the Agreement are to enable exports from the United States of nuclear material and equipment to IAEA Member States for research reactors and, in certain cases, for power reactors, and to enable transfers from the United States of small samples of nuclear material to the IAEA for safeguards and research purposes.

Under the proposed Amendment, the term of the Agreement will be extended an additional 40 years for a total term of 95 years.

The Agreement permits the transfer of material, equipment (including reactors), and facilities for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear facilities, or major critical components of such facilities, or, unless specifically provided for in a supply agreement or an amendment thereto, transfers of sensitive nuclear technology. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and facilities subject to the Agreement.

The Amendment entered into force on June 6, 2014.

6. Nuclear Weapon Free Zones and Other Regional Arrangements

On May 6, 2014, Assistant Secretary Countryman delivered remarks at the signing ceremony of the Protocol to the Treaty on a Nuclear-Weapon-Free Zone In Central Asia. His statement is available at <http://usun.state.gov/briefing/statements/225682.htm> and excerpted below.

* * * *

On behalf of the United States of America, I am very pleased to sign the Protocol to the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, and to be able to do so here in New York during the Preparatory Committee meeting of the Nuclear Non-Proliferation Treaty (NPT).

It is said often, and I repeat here, that the NPT is the cornerstone of international efforts to prevent the proliferation of nuclear weapons and to pursue effective measures in the direction of nuclear disarmament. As the negotiators of the NPT well understood, regional nuclear weapon free zone treaties contribute greatly to these goals. This is why Article VII of the NPT explicitly ensures a role for such zones. And it is why the United States has signed the Protocols to the treaties establishing regional nuclear weapon free zones in Latin America and the Caribbean, Africa, and the South Pacific, and why the United States is prepared to sign the revised Protocol to the Southeast Asia Nuclear Weapon Free Zone Treaty.

Today, we take yet another—and significant—step to advance nuclear nonproliferation and disarmament by signing the Protocol to the Central Asia Nuclear-Weapons-Free Zone Treaty. I am very pleased to do so with our colleagues from China, France, Russia and the

United Kingdom. That we are signing together signifies our collective support for the NPT and our readiness to offer assurances against the use or threat of use of nuclear weapons against states in the legally binding framework of protocols to nuclear weapon free zone treaties. This is consistent with U.S. policy that it will not use or threaten to use nuclear weapons against non-nuclear weapon States that are party to the NPT and in compliance with their nuclear nonproliferation obligations.

We also take this step in recognition of the sincere and laudable efforts made by the states of Central Asia to keep their region free of all nuclear weapons. This is a goal we most certainly share. This Treaty advances the security of all states represented in this room and wider regional and international security.

With sincere thanks and congratulations to all, this signing is a great achievement.

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On October 27, 2014, Ambassador Robert A. Wood, Alternate Representative for the U.S. delegation to the UN, addressed the First Committee on regional disarmament and security at the 69th UN General Assembly. His remarks, excerpted below, are available at www.state.gov/t/avc/rls/2014/233458.htm.

* * * *

Reflecting our enduring interest in promoting international peace and prosperity, the United States is strongly committed to strengthening partnerships and cooperation with regional and other inter-governmental organizations. Working with our regional partners, we have seen the fruits of our labors in regions that have enjoyed almost unparalleled periods of peace, prosperity and stability. Years of experience have affirmed that nonproliferation and disarmament initiatives at the global and regional levels are mutually reinforcing. As we all know, effective global norms and instruments are implemented at regional, sub-regional and national levels. At the same time, these efforts can build momentum towards initiatives at the global level.

Mr. Chairman, the United States sees great value in collaborative approaches across the whole spectrum of nonproliferation and arms control initiatives, including conventional arms, biosecurity, and nuclear security. For example, in East Asia, the regional nonproliferation and disarmament architecture has steadily developed and increasingly matured to address the challenges to the global regime. The ASEAN Regional Forum (ARF) just finished its second round of Inter-Sessional Meetings on Nonproliferation and Disarmament focusing on each of the three Nuclear Non-Proliferation Treaty (NPT) pillars. These meetings have led to periodic workshops in the ARF offering opportunities for concrete cooperation on diverse nonproliferation topics such as UN Security Council Resolution (UNSCR) 1540 implementation, nuclear forensics best practices, and biosafety and biosecurity. In addition, the East Asia Summit (EAS) has emerged as a premier forum for discussing regional security and nonproliferation issues, and these issues were featured in multiple workshops devoted to building national capacity and establishing and strengthening regional cooperation.

In the western hemisphere, the Organization of American States (OAS) Member States are working together using workshops and exercises to enhance their bio-incident readiness and response capabilities. These activities serve as a bridge to strengthen coordination between government officials and representatives from a number of agencies involved with emergency response. As a result of the success and benefits of the OAS and the Inter-American Committee against Terrorism (CICTE), the program is expected to expand throughout the region, where Member States have specifically requested further assistance in drafting and/or reviewing their national emergency response plans related to bioterrorism.

Developing partnerships between regions and international organizations is also key to moving ahead. The International Atomic Energy Agency (IAEA) and many Member States deserve a great deal of praise for ongoing efforts to coordinate the application of nuclear techniques to address many development challenges at the regional level, including through the corresponding regional organizations such as ARCAL in Latin America and AFRA in Africa. The United States is proud to continue its strong support for these activities, and has provided roughly \$188 million in voluntary contributions since 2010. This includes over \$50 million, exceeding our initial pledge to the IAEA Peaceful Uses Initiative that we helped launch just four years ago. We are major supporters of nuclear safety and security through cooperation with the IAEA and with partners in every region of the world, leading efforts to promote high standards for safety and security both in established and emerging nuclear programs.

Mr. Chairman, Parties to the NPT have a common interest in strengthening all three of its pillars: disarmament, nonproliferation, and access to the peaceful uses of the atom. It is important that nuclear-weapon-states (NWS) and non-nuclear-weapon-states (NNWS) see nonproliferation and disarmament not as competing goals but as mutually reinforcing efforts toward the common goal of reducing nuclear threats. All states benefit from these efforts, and we have a common obligation to continue making progress in that direction, step-by-step. In this regard, achieving a successful NPT Review Conference (RevCon) is a priority for the United States. We will work with any and all parties interested in advancing realistic, achievable objectives.

Mr. Chairman, we know from history that strong partnerships take sustained effort. We still have challenges. Many delegations have mentioned proliferation crises in the Middle East and Northeast Asia. It is important that we seek to ensure that parties uphold the integrity of the Treaty by addressing noncompliance. IAEA safeguards benefit the security of every Party and create confidence that enables the fullest possible cooperation in the peaceful uses of nuclear energy. Together, we should ensure that the IAEA has the authority and resources needed to implement safeguards that meet our common expectations.

The United States continues to place high importance on the maintenance of the security structure all of us have worked to develop in Europe after the Cold War. Russia's deliberate and repeated violation of the sovereignty and territorial integrity of Ukraine has undermined security in Europe and beyond. The Open Skies Treaty and the Vienna Document 2011 on confidence- and security-building measures provided some transparency about military activities in Ukraine and western Russia, reflecting the importance of continued implementation and modernization of these agreements. But Russia's failure to respond meaningfully to legitimate inquiries under Vienna Document provisions has undermined their effectiveness. While arms control agreements cannot substitute for adherence to international law and responsible behavior in the international community, in the face of today's security challenges, we and NATO Allies and key partners are committed to finding a way forward to preserve, strengthen, and modernize conventional arms

control, based on key principles and commitments. NATO Allies have also joined with us in calling on Russia to preserve the viability of the Intermediate-Range Nuclear Forces Treaty through ensuring full and verifiable compliance.

Mr. Chairman, the United States is committed to working to bring parties together for the goal of a Middle East Weapons of Mass Destruction (WMD) Free Zone—and we will continue working intensively to convene the Conference as soon as the arrangements can be agreed by the regional parties. There is no substitute for direct dialogue among the states in the region. The conference cannot be imposed by the conveners or facilitator; rather, it must be the regional states themselves that agree on the key points. We remain optimistic that such consensus can be achieved. In every state in the Middle East, there are diplomats who possess vision, creativity and determination, and we will not stop our efforts to work with them in pursuit of this goal.

Mr. Chairman, as we face global challenges together, we should not forget that relationships and interconnections shape our collective work and activities, and we can make real progress. We commend the many regional efforts by states to demonstrate their commitment to all three of the NPT's pillars, including through establishment of nuclear-weapon-free zone treaties in Latin America and the Caribbean, Africa, Southeast Asia, Central Asia, and the South Pacific. These nuclear-weapon-free zones enhance global and regional peace and security, strengthen the global nuclear nonproliferation regime, contribute to the goal of nuclear disarmament, and facilitate regional cooperation in the peaceful uses of nuclear energy. The United States recognizes the important role that we and the other NPT nuclear-weapon states can play by signing and ratifying the relevant treaty protocols, and extending negative security assurances. On May 6 this year, the United States signed the Protocol to the Central Asian Nuclear-Weapon-Free Zone Treaty (CANWFZ); previously we signed protocols for nuclear-weapon-free zones (NWFZ) in Africa and the South Pacific and had ratified the protocols of the NWFZ in Latin America and the Caribbean. The United States is committed to this process and looks forward to signing the Protocol to the Southeast Asian Nuclear-Weapon-Free Zone Treaty (SEANWFZ) as soon as possible. More broadly, the United States has in place a declaratory policy that it will not use or threaten to use nuclear weapons against non-nuclear-weapon-states that are Party to the NPT and in compliance with their nuclear nonproliferation obligations.

Also, consistent with our shared objective of a world free of nuclear weapons, we continue to work toward the goal of seeing South Asia become free of nuclear weapons. To further this goal, the United States has regular ongoing senior level dialogues with officials in the region which cover a range of issues including nonproliferation, disarmament, and regional stability.

Mr. Chairman, as noted in our previous statements, the United States is firmly committed to fulfilling our obligations and working with the international community to take the next steps. The NPT is greater than the sum of its parts, and remains the essential foundation for our common nonproliferation and disarmament goals. Strengthening all aspects of its implementation is critically important. We hope others will approach the 2015 RevCon in this light and focus on agendas that can command consensus.

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7. Nuclear Security

On March 20, 2014, the Governments of the United States of America, Russia, Spain, Republic of Korea, the Netherlands, Australia, and the Kingdom of Morocco released a joint statement on the contributions of the Global Initiative to Combat Nuclear Terrorism (“GICNT”) to enhancing nuclear security. The joint statement, excerpted below, is available as a State Department media note at www.state.gov/r/pa/prs/ps/2014/03/223761.htm.

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The Global Initiative to Combat Nuclear Terrorism (GICNT) has made valuable contributions in strengthening global capacity to prevent, detect, and respond to nuclear terrorism. To date, the 85 partner nations have completed more than 60 activities under the auspices of the GICNT aimed at building partners’ capabilities in this area. We, the Co-Chairs of the GICNT (Russia and the United States), the past and present Implementation and Assessment Group (IAG) Coordinators (Spain and Republic of Korea), and leaders of the three IAG Working Groups (the Kingdom of Morocco, the Netherlands and Australia) wish to inform the states in attendance at the 2014 Netherlands Nuclear Security Summit of the activities of the GICNT since the Nuclear Security Summit hosted by the Republic of Korea in Seoul in March 2012.

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The collaborative efforts fostered by the GICNT are especially significant in light of the 2010 Washington Nuclear Security Summit, the 2012 Seoul Nuclear Security Summit, and the 2014 The Hague Nuclear Security Summit. Already, GICNT collaboration has produced important results that complement the Nuclear Security Summit process and help advance critical elements addressed in the Summit:

The Nuclear Detection Working Group (NDWG), chaired by the Netherlands, is finalizing the Developing a Nuclear Detection Architecture series of documents following the publication of Volume I, Model Guidelines Document for Nuclear Detection Architectures, in 2009. Volume II in the series, Guidelines for Awareness, Training, and Exercises, and Volume III, Guidelines for Planning and Organization, focused on issues inherent to successful implementation and enhancement of nuclear detection architectures. ...

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In February 2014, Mexico hosted a field training exercise under the auspices of the NDWG, during which the participants had the opportunity to observe implementation of a radiation detection alarm adjudication process and interagency communications protocol in response to realistic nuclear detection scenarios at the Port of Manzanillo. This exercise highlighted national best practices in detection systems and in coordination of a domestic interagency response to a nuclear terrorism event.

The Nuclear Forensics Working Group (NFWG), chaired by Australia, completed a document entitled, Nuclear Forensics Fundamentals for Policy Makers and Decision Makers, which was endorsed at the GICNT Plenary Meeting in May 2013. ...

Also under the auspices of the NFWG, the United Kingdom hosted in January 2014 the “Nuclear Forensics Workshop and Exercise—Exploring the Nuclear Forensics Chain of Custody: Guidance on the Development of Legally Compliant Nuclear Forensics Capabilities and Systems.” ...

Additionally, awareness-building information modules based on the GICNT Global Initiative Information Portal (GIIP) are in development. Currently, the NFWG is testing a National Nuclear Forensics Library module that provides policy-makers an outline of the national nuclear forensics library concept and identifies key resources for partner nations interested in further information on this subject.

The Response and Mitigation Working Group (RMWG), chaired by the Kingdom of Morocco, is working collaboratively to develop the Response and Mitigation Framework Document, a collection of key considerations that a country with limited capabilities should consider when initializing its national nuclear/radiological emergency response system. ...

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In October 2012, the RMWG and NFWG met jointly in Ispra, Italy, to address the intersections of the two working groups in responding to nuclear and radiological events. Based on the success of this joint activity, in February 2014, the NFWG and RMWG jointly held a workshop incorporating the tabletop exercise “Tiger Reef” focused on interagency coordination and training that highlighted best practices and key resources for integrating cross-disciplinary training into national response frameworks. “Tiger Reef” was hosted by Malaysia in Kuala Lumpur and was supported by Australia, New Zealand and Malaysia.

Looking to the future, the GICNT Co-Chairs, the IAG Coordinator and the Working Group Leaders remain committed to working with GICNT partner nations to pursue focused efforts and activities that foster nuclear security collaboration and advance nuclear security goals. Moving forward, the GICNT leadership will seek to engage partner nations in practical exercises and workshops that enable them to prepare for and practice responding to nuclear security events. Such activities will focus on encouraging interagency, regional, and international cooperation and communication, in accordance with the proposals for GICNT work endorsed by the partners at the 2013 Plenary meeting in Mexico City. By enhancing partner nations’ capacity to prevent, detect, and respond to nuclear terrorism, GICNT will continue to strengthen nuclear security capabilities globally through efforts that complement and support the objectives of the Nuclear Security Summit.

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8. G-7 Declaration on Non-Proliferation and Disarmament for 2014

On June 5, 2014, the G-7 issued a “Declaration on Non-Proliferation and Disarmament for 2014.” The G-7 Declaration follows and is available as a State Department fact sheet at www.state.gov/t/isn/rls/prsrl/2014/227341.htm

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1. We are committed to seeking a safer world for all. Preventing the proliferation of weapons of mass destruction (WMD) and their means of delivery remains a top priority. Such proliferation poses a major threat to international peace and security as recognized in UN Security Council Resolutions (UNSCRs) 1540, 1673, 1810, 1887, and 1977. During this tenth anniversary year of UNSCR 1540, we reaffirm our commitment to working together towards full implementation of the resolution by 2021 and to strengthen our efforts to combat the proliferation of nuclear, chemical, and biological weapons and their means of delivery.

2. In seeking this safer world, we reiterate our commitment to create the conditions for a world without nuclear weapons, in accordance with the goals of the Non-Proliferation Treaty (NPT), in a way that promotes international stability, based on the principle of equal and undiminished security for all, and underlining the vital importance of non-proliferation for achieving this goal.

3. We reaffirm our unconditional support for all three pillars of the NPT, which remains the cornerstone of the nuclear non-proliferation regime and the essential foundation for the pursuit of disarmament and the peaceful uses of nuclear energy.

4. We call on all NPT Parties to fulfill their obligations under the Treaty and to preserve and strengthen the international nuclear non-proliferation regime. The 2015 NPT Review Conference presents a vital opportunity for all NPT Parties to further strengthen the Treaty in all its aspects. We recall the successful, consensus outcome of the 2010 NPT Review Conference, including its Action Plan. We remain fully committed to the Action Plan's implementation, and call on all States Parties to implement its actions. In this regard, we welcome and encourage continued engagement of and among the NPT nuclear-weapon States on verification, transparency and confidence-building measures, with a view to strengthening implementation of all three pillars of the NPT. We welcome the April 2014 meeting of China, France, the Russian Federation, the United Kingdom, and the United States (P5) in Beijing, the latest in this ongoing dialogue, and welcome the timely submission of the individual reports made to the third session of the NPT Preparatory Committee in New York in April, 2014, pursuant to Actions 5, 20, and 21 of the Action Plan. We encourage all States Parties, consistent with Action 20 of the Action Plan, to make similar reports.

5. The G7 partners continue to attach great importance to the development of internationally recognized nuclear weapon free zones, established on the basis of agreements freely arrived at among States of the regions concerned, in line with the principles set out by the UN Disarmament Commission in 1999 and recognize the legitimate interest of non-nuclear-weapon States in receiving security assurances from nuclear-weapon States in the framework of the relevant legally binding protocols of nuclear-weapon-free zone treaties. These protocols enhance regional and international security by helping to build confidence between nuclear and non-nuclear weapon states. We welcome the signature of the protocol to the Treaty on a Nuclear Weapon-Free-Zone in Central Asia. We also welcome the commitment of the P5 States to continue to consult with the States Parties to the Treaty on the Southeast Asia Nuclear-Weapon-Free Zone.

6. We reaffirm the importance of commitments and assurances given by the NPT nuclear weapons States to the NPT non-nuclear weapon States. We deplore the recent and ongoing breaches of the commitments given to Ukraine by the Russian Federation in the Budapest Memorandum. In this Memorandum, the Russian Federation, United Kingdom and the United States reaffirmed their commitment to respect Ukraine's independence and sovereignty and existing borders; reaffirmed their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations, and reaffirmed their commitment to Ukraine to refrain from economic coercion. We consider that Ukraine's historic decisions in 1994 were significant steps in promoting its own and wider regional and international security. We also welcome Ukraine's statement at the 2014 Non-Proliferation Treaty Preparatory Committee that Ukraine remains committed to the provisions of the NPT.

7. The G-7 strongly support the goal of a zone free of nuclear weapons, as well as other weapons of mass destruction and their means of delivery in the Middle East. Recalling the decision at the 2010 NPT Review Conference to hold a Conference on the establishment of such a zone, we strongly support Finnish Ambassador Laajava's work as facilitator of the Conference, and welcome the continued commitment of the co-sponsors of the 1995 Resolution (the Russian Federation, the United Kingdom and the United States). We call upon the States of the region to continue their direct engagement with each other in order to finalize the preparation and convening of the Conference in the nearest future.

8. While acknowledging the right of withdrawal from the NPT contained in Article X.1, we consider that modalities and measures to address withdrawal from that Treaty are needed as demonstrated by North Korea's announcement of withdrawal. We underscore the role of the UN Security Council in addressing announcements of withdrawal promptly and without delay, assessing the consequences of such withdrawal, including possible adoption of measures in this regard. We also emphasize that a State Party will remain responsible under international law for violations of the NPT committed prior to its withdrawal. We also underscore that nuclear transfers received prior to withdrawal should remain in peaceful uses and subject to IAEA safeguards. We welcome the growing recognition that this issue needs to be addressed urgently at the 2015 Review Conference and we support the adoption of appropriate recommendations on measures that address withdrawal in the Final Document.

Nuclear Proliferation Challenges

9. We underscore our support for E3+3 efforts led by High Representative Ashton to reach a long-term comprehensive solution to the Iranian nuclear issue that resolves fully the international community's concerns regarding the exclusively peaceful nature of Iran's nuclear program and ensures Iran does not acquire nuclear weapons. We welcome the implementation of the Joint Plan of Action (JPOA) between the E3+3 and Iran and the essential role played by the IAEA in verifying the nuclear-related measures. We commend those states which made financial contributions in this context for the monitoring work of the IAEA. We reaffirm our strong support for the IAEA's ongoing efforts to verify the exclusively peaceful nature of Iran's nuclear program and we call on Iran to cooperate fully with the IAEA to resolve all outstanding issues, particularly those which give rise to concerns about the possible military dimensions (PMD) of Iran's nuclear program, the satisfactory resolution of which will be critical for a long-term comprehensive solution to the Iranian nuclear issue.

10. We call on Syria to remedy its noncompliance with its nuclear safeguards obligations, and to cooperate fully with the IAEA in resolving all outstanding questions regarding the nature of its nuclear program.

11. We will not accept North Korea as a nuclear armed state and urge North Korea to abandon all nuclear weapons and existing nuclear programs, and to return, at an early date, to the NPT and to IAEA safeguards and come into full compliance with its nonproliferation obligations. We condemn in the strongest possible terms North Korea's continued development of its nuclear and ballistic missile programs in direct violation of UN Security Council Resolutions 1718, 1874, 2087 and 2094. In this regard, we condemn North Korea's February and March 2014 ballistic missile launches in clear violation of its UNSCR obligations and call on North Korea to refrain from further provocations. We urge North Korea to halt any efforts to restart, readjust, and expand its nuclear facilities at Yongbyon, and cease immediately all nuclear activities including the ones related to its uranium enrichment and plutonium programs. We reaffirm our collective hope for lasting peace and stability on the Korean Peninsula and call on North Korea to refrain from any actions that escalate tensions in the region. We firmly support diplomatic efforts to implement the 2005 Joint Statement and to bring North Korea into compliance with its UN Security Council obligations, and call on North Korea to take concrete steps toward complete, verifiable and irreversible denuclearization. We commend the international community's unified resolve in the face of North Korea's defiance of it and urge continued vigilance by all states to curtail North Korea's proliferation activities and impede the continued pursuit of its proscribed nuclear and ballistic missile programs.

Nuclear Disarmament

12. We encourage the P5 to continue their important dialogue, including on nuclear arms reductions and their work on confidence-building and transparency that represent major steps in accordance with Article VI of the NPT and the Action Plan adopted by the NPT Review Conference in May 2010. We welcome the continued implementation of the New START Treaty by the U.S. and Russia and the disarmament-related actions already made by France and the UK, as well as urge others that possess nuclear weapons but have not yet engaged in nuclear disarmament efforts to reduce their arsenals.

13. Early entry into force and universalization of the Comprehensive Nuclear-Test-Ban Treaty (CTBT) is in the security interests of every nation. States that have yet to sign or ratify the Treaty should do so without waiting for others. For the Treaty to be an effective mechanism for nuclear disarmament and nonproliferation, we believe all States must maintain the political will and provide adequate resources to complete the Treaty's verification regime and maximize the capabilities of the Provisional Technical Secretariat. We welcome the voluntary adherence to unilateral moratoria on nuclear explosive tests and call on all States to refrain from acts which would defeat the object and purpose of the Treaty. We also welcome the establishment of the Group of Eminent Persons and support its activities, which will inject new energy and dynamics into the push for entry into force.

14. The Conference on Disarmament (CD) and its predecessor bodies have a long history of delivering landmark agreements, but we share the growing impatience of many in the international community at the impasse at the CD. We believe the next logical step in multilateral negotiations to advance both nuclear nonproliferation and disarmament goals is the negotiation of a Treaty banning the production of fissile material for use in nuclear or other nuclear explosive devices (FMCT), on the basis of document CD/1299 and the mandate contained therein. While we welcome declared moratoria by some states on the production of

fissile material for use in nuclear weapons or other nuclear explosive devices, a binding and verifiable ban on such production is a necessary step toward a world without nuclear weapons. We welcome the work of the UN Group of Governmental Experts (GGE), which will make recommendations on possible aspects that could contribute to a future Treaty, and can build momentum towards eventual negotiations in the CD.

Peaceful Use of Nuclear Energy

15. All States Parties to the NPT have an inalienable right to use nuclear energy for peaceful purposes, in compliance with their international obligations. We reiterate our willingness to cooperate with States that meet their nuclear non-proliferation obligations and wish to develop a civil nuclear program in a manner that meets the highest standards of safety, security, non-proliferation, and respect for the environment.

16. We urge strong support for implementation of the IAEA's Nuclear Safety Action Plan, including working towards establishing a global nuclear liability regime, and welcome the progress in enhancing the effectiveness of the Convention on Nuclear Safety. We emphasize the importance of the establishment, implementation and continuous improvement of national emergency preparedness and response measures.

17. Multilateral approaches to the nuclear fuel cycle contribute to nuclear energy programs. We support the IAEA's work to establish a bank of Low Enriched Uranium in Kazakhstan and urge the conclusion of a Host State Agreement at an early date in order to allow for the beginning of operation of the bank.

IAEA Safeguards

18. We support the central role of the IAEA, and in particular its safeguards system, which remains essential for the effective implementation of the nuclear non-proliferation regime. The IAEA must continue to have the necessary resources and legal authorities to be able to carry out its mission in full, in accordance with its statutory mandate. We will continue to help promote an IAEA Comprehensive Safeguards Agreement together with an Additional Protocol as the universally accepted international verification standard, which should be a consideration in decisions on the supply of nuclear fuel, equipment, or technology. We call on all States which have not yet done so to sign and bring into force the Additional Protocol and apply its provisions as soon as possible.

Nuclear Security

19. We welcome the outcomes of the Nuclear Security Summit in The Hague on 24-25 March 2014 where 58 world leaders worked to further reduce the threat of nuclear terrorism by securing vulnerable nuclear and other radioactive material around the globe. The Hague Summit participants agreed to a Communiqué that reaffirms the fundamental responsibility of States, the need to further strengthen and coordinate international cooperation, and the need for a strengthened and comprehensive international security architecture. Many countries agreed to multilateral joint commitments intended to advance the goal of nuclear security. We highlight Belgian and Italian work to complete the removal of their excess supplies of highly enriched uranium and plutonium for elimination, and Japan for announcing that it will work with the United States to eliminate hundreds of kilograms of nuclear material from one of its experimental reactors. We call on others to take additional transparency measures. We also continue to encourage nations to join existing relevant international initiatives that support Summit goals.

20. We urge all States Parties to the Convention on the Physical Protection of Nuclear Material (CPPNM) to ratify, accept or approve the 2005 Amendment to the Convention as soon as possible. In addition to securing nuclear and radiological material at their source, we recognize the need to locate and secure material currently available on the illicit market and prosecute those involved in the trafficking of these materials.

21. We commend the work of the Global Initiative to Combat Nuclear Terrorism and other international efforts to counter nuclear smuggling and combat nuclear terrorism. The ongoing occurrence for more than 20 years of nuclear and radioactive trafficking highlights the threat that terrorists or other malicious actors can acquire these dangerous materials. The international community must be vigilant to prevent the world's most dangerous materials from falling into the wrong hands.

The Nuclear Suppliers Group

22. We welcome the call by the Nuclear Suppliers Group (NSG) on all states to exercise vigilance to ensure that the supply of nuclear related technologies and materials is for peaceful purposes and to make best efforts to ensure that none of their exports of goods and technologies contributes to the spread of nuclear weapons. In this regard, we recognize that the NSG Guidelines serve as the standard for nuclear and nuclear-related dual-use exports. We call on NSG Participating Governments to strictly observe the Guidelines and encourage nuclear supplier states that are not NSG participating governments to act in conformity with the Guidelines on a voluntary basis. We also support the discussion of the Additional Protocol as a condition of supply to enhance nuclear non-proliferation efforts. We welcome the progress that is being made by the Technical Experts Group to ensure that control lists remain current, and we welcome the Group's outreach efforts to enhance non-proliferation. We welcome the membership of Mexico in 2012 and Serbia in 2013.

Chemical Weapons

23. We reaffirm our unconditional support for the Chemical Weapons Convention (CWC) and the functions of the Organization for the Prohibition of Chemical Weapons (OPCW). We applaud the success of the Convention and the awarding of the Nobel Peace Prize to the OPCW for its ongoing work to eliminate an entire class of WMD and toward preventing the re-emergence of chemical weapons. We look forward to continuing the work set out in the final document of the 2013 Review Conference and support efforts to ensure the universalisation and effective implementation of the Convention, and we call on all states not party to the Convention to adhere to it now. Destroying chemical weapons remains a key objective of the Convention together with refraining from the development, production, acquisition, stockpiling, use and proliferation of chemical weapons. We welcome the progress being made by the possessor states as reported recently to the OPCW Executive Council (EC) and Conference of the States Parties. We encourage all possessor states to continue to take every necessary measure to complete their destruction processes as soon as possible in a transparent fashion, and within the framework of the existing verification regime. We reiterate the importance of an effective industry verification regime.

24. We share deep concern over the use of chemical weapons by the Assad regime against its citizens. We share further concern about the more recent allegations of use of a toxic chemical as a weapon in Syria and we support the OPCW fact-finding mission. We urge the regime to cooperate fully with the mission to ensure those who are responsible for such attacks are brought to account. The continued possession of chemical weapons material by the Assad regime represents a sustained danger to Syria's population and all of its neighbors. We support

the full implementation of the OPCW Executive Council Decision of September 27, 2013 and UN Security Council Resolution (2118), which resulted from the Russia U.S. Geneva framework to eliminate Syria's chemical weapons program. We welcome the efforts of the Joint OPCW-UN Mission and the assistance provided by individual States and by the international community at large to support safe elimination of Syria's chemical weapons program. Whilst efforts have been made, the removal process remains behind schedule. We call upon Syria to make sustained efforts in meeting its obligations under the CWC, OPCW EC decisions and UNSCR 2118. International confidence that the program has been completely eliminated requires further review of Syria's declaration of its CW program. Syria must also take immediate steps to physically destroy the remaining 13 chemical production facilities in accordance with the CWC.

Biological Weapons

25. We welcome the work undertaken so far to implement the outcome of the Seventh Review Conference of the Biological and Toxin Weapons Convention (BTWC). We are committed to achieving real progress to promote national implementation, confidence-building measures, and cooperation and assistance, to reviewing developments in science and technology, and to strengthening the Convention's Article VII on responding to use of biological or toxin weapons. We support further exploration or consideration of practical approaches to promote the exchange of best practices, enhance transparency, and build trust among states parties, such as peer review, voluntary transparency visits and briefings, and constructive approaches to raising and addressing concerns where they arise. Such approaches may play a role in strengthening implementation and enhancing assurance of compliance with BWC obligations. We reaffirm our commitment to promote universal membership of the BTWC, and we are determined to work with all the State Parties to reinforce its regime.

Addressing the Proliferation of Weapons of Mass Destruction

26. WMD and delivery means- related export controls by members of the international nonproliferation regimes (Australia Group, Missile Technology Control Regime, Nuclear Suppliers Group) and the Zangger Committee ha[ve] significantly reduced the availability to proliferators of support from countries with the most advanced technology. These controls, and the information-sharing, best practices, and patterns of cooperation fostered by the regimes, have made it more difficult, time-consuming, and costly for proliferators to produce or acquire WMD and their delivery systems. We plan to continue to work through the regimes to reduce the global proliferation threat and urge all countries to unilaterally adopt and apply on a national basis the guidelines and standards of the regimes.

27. We fully support the key role played by the United Nations Security Council in addressing proliferation issues. We welcome the adoption by the Security Council of Resolution 1977, which renewed the mandate of the 1540 Committee for ten years and reaffirmed Resolution 1540's obligations. We invite all States to nominate a national point of contact and to work toward full implementation of UNSCR 1540. We stand ready to provide assistance to States in this regard and we reiterate our support to the 1540 Committee in the discharge of its mandate.

28. We strongly believe that the proliferation of missiles, especially those capable of delivering weapons of mass destruction, continues to be a serious concern to us all and a threat to international peace and security, as reaffirmed in UN Security Council Resolutions 1540, 1887, and 1977. We believe that a multilateral response and international norms are the most adequate and effective way to address this issue. We strongly endorse the MTCR and the Hague Code of Conduct in that regard.

29. We affirm our commitment to the Global Partnership Against the Spread of Weapons and Material of Mass Destruction (Global Partnership) and this commitment remains unwavering. We therefore commend the Global Partnership on its efforts to coordinate and collaborate on programs and activities in the areas of nuclear and radiological security, biological security, chemical security, scientist engagement and countering knowledge proliferation, and in the implementation of UN Security Council Resolution 1540. The Global Partnership has continued its valuable work on engagement with centers of excellence and the expansion of its membership. Since 2013, the Global Partnership has welcomed the Philippines, Hungary and Spain as new members. Members of the Global Partnership also welcome the ongoing participation and closer cooperation of relevant international organizations and bodies in global efforts to improve information sharing and coordination of WMD threat reduction projects. The sub-groups that focused on each of the substantive areas of chemical, biological, nuclear and radiological security helped the Global Partnership improve information sharing, funding and project coordination. The Global Partnership has provided significant funding for the destruction of chemical weapons in Syria. In addition, strengthened matchmaking has begun to enable the Global Partnership to improve coordination of projects globally.

30. We continue to promote robust counter-proliferation tools. We support the Proliferation Security Initiative (PSI). The list of endorsing nations continues to grow, with Vietnam recently being the 104th endorsing nation. We commit to undertake further measures to enhance the capabilities and authorities required to interdict shipments of weapons of mass destruction, their delivery systems, and related materials to and from states and non-state actors of proliferation concern. We promote outreach for enhanced participation in the PSI and continue to focus on legal and operational issues.

Conventional

31. Conventional arms play a legitimate role in enabling governments to defend their citizens, as enshrined in the UN Charter. However, in the wrong hands they pose a threat to global, regional and national security. Improperly controlled, they can fuel terrorism and threaten peace and stability. For this reason, we welcome the adoption of UNSCR 2117 and stress the need for full and effective implementation by States at the national, regional and international levels, of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons. In this context, we also reiterate our support for full implementation of UNSCR 2017 in order to stem arms proliferation from Libya. In addition, the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-use Goods and Technologies contributes to preventing de-stabilizing accumulations of these arms, goods and technologies. We urge those which currently sit outside the regime to make every effort to apply the Wassenaar Arrangement's standards and control lists. Conventional arms agreements and commitments can also address specific regional security concerns. The Vienna Document and Open Skies Treaty have provided useful transparency about military activities in Ukraine and western Russia in recent months, reflecting the importance of continued implementation and modernization of these agreements and commitments.

32. We welcome the rapid progress that has been made towards entry into force of the Arms Trade Treaty since it was opened for signature on 3 June 2013. We call upon States who have not yet done so to join the Treaty as soon as possible. Effective implementation of the Treaty's obligations will contribute to saving lives, reducing human suffering, protecting human rights, preventing the diversion of conventional arms to the illegal market and combating terrorism, while upholding the legitimate trade in arms, which is vital for national defense and

security. We urge States in a position to do so to render assistance in capacity building to enable States Parties needing such assistance to fulfill and implement the Treaty's obligations.

Outer Space

33. Outer space activities continue to play a significant role in the social, economic, scientific, and technological development of states, as well as in maintaining international peace and security. We acknowledge the need to take collaborative, timely, and pragmatic steps to enhance the long-term safety, security, sustainability, and stability of the space environment. In this context, the G-7 supports and encourages constructive discussion on the development and implementation of transparency and confidence building measures to enhance stability in space, taking into account the recommendations of the United Nations Group of Governmental Experts on Transparency and Confidence-Building Measures in Outer Space. The G7 continues to support ongoing efforts to develop a non-legally-binding International Code of Conduct for Outer Space Activities and strongly encourages completion of the Code in the near future or in the first half of 2015 at the latest. We also support the efforts to complete the United Nations Committee on the Peaceful Uses of Outer Space Guidelines on Long-Term Sustainability for Space Activities in 2015.

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9. International Partnership for Nuclear Disarmament Verification

On May 6, 2014, the United States announced that it was seeking to establish an International Partnership for Nuclear Disarmament Verification. The State Department fact sheet making the announcement is excerpted below and available at www.state.gov/t/avc/rls/234680.htm.

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Seeking the peace and security of a world free of nuclear weapons requires the international community to overcome significant technical challenges. As the President said in Prague in 2009, it will take patience and persistence.

In order to overcome these challenges, a common understanding of the technical issues associated with irreversible and verifiable disarmament is necessary, and in the interest of all states.

For this reason, the United States proposes an International Partnership for Nuclear Disarmament Verification that will bring together Nuclear Nonproliferation Treaty (NPT) Nuclear Weapons States (NWS) with NPT Non-nuclear Weapons States (NNWS) under a cooperative framework to further understanding of the complex challenges involved in the verification of nuclear disarmament, and to work to surmount those challenges.

The United States believes such engagement will strengthen the existing work towards the goals of the NPT, while furthering the role of NNWS in the challenging work of verification of nuclear disarmament.

Nuclear Disarmament Verification and Technical Obstacles

Future steps in nuclear disarmament are expected to pose significantly more complex and intrusive verification challenges than past steps. Success in addressing these future verification

and monitoring challenges will be dependent, in part, on the development and application of new technologies or concepts. All countries have an interest in the success of these efforts. This need not be an area of engagement confined solely to the NWS. A larger, more diverse group of states with technical expertise in nuclear verification or the related sciences will contribute to the discussion and provide a broader intellectual basis for determining solutions.

The Partnership

The International Partnership for Nuclear Disarmament Verification will assess and, potentially, develop approaches to address monitoring and verification challenges across the nuclear weapons lifecycle—including material production and control, warhead production, deployment, storage, dismantlement, and disposition. The Partnership will build on lessons learned from efforts such as the U.S./U.K. Technical Cooperation Program and the U.K./Norway Initiative.

To take the International Partnership forward, the U.S. government will work with the Nuclear Threat Initiative (NTI) through an official public-private partnership. Drawing from its recently concluded project, Innovating Verification, NTI will bring its expertise and resources to bear to help guide the process of standing up the International Partnership and assist in the development and implementation of a program of work.

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10. Country-Specific Issues

a. Democratic People's Republic of Korea ("DPRK" or "North Korea")

See paragraph 11 in the G-7 declaration, *supra*, regarding condemnation of ballistic missile launches by North Korea in 2014 and ongoing nuclear and missile activities in contravention of UN Security Council resolutions.

b. Iran

On January 12, 2014, Iran and the P5+1 (the permanent five members of the Security Council plus Germany) reached an understanding on the implementation of the Joint Plan of Action ("JPOA"). The technical understandings relate to timing, including which provisions of the JPOA would be implemented immediately and which would be spread out over the period of ongoing negotiations. Among the steps in the JPOA is Iran halting the progress of its nuclear program and rolling it back in key respects. For example, as part of the understanding, Iran began the dilution and conversion of its stockpile, accepted limitations on its enrichment capability and its installation of additional centrifuges, committed to new and more frequent inspections at its nuclear sites (both enrichment facilities and production facilities, including the Arak facility). See January 13, 2014 Background Briefing on the Implementation Plan of the P5+1 and Iran's First Step Nuclear Agreement, available at www.state.gov/r/pa/prs/ps/2014/01/219571.htm. These technical understandings align with the JPOA which took effect January 20, 2014. See *Digest 2013* at 468-71 for background on the JPOA. For discussion of the sanctions

relief provided under the JPOA, see Chapter 16. President Obama issued a statement welcoming the understanding reached on implementation of the JPOA. Daily Comp. Pres. Docs. DCPD No. 00014 (Jan. 12, 2014). Secretary Kerry also issued a press statement on January 12, hailing the progress made in preparing for the January 20 implementation date of the JPOA. His statement, excerpted below, is available at www.state.gov/secretary/remarks/2014/01/219566.htm.

* * * *

We've taken a critical, significant step forward towards reaching a verifiable resolution that prevents Iran from obtaining a nuclear weapon.

On January 20, in just a few short days, we will begin implementation of the Joint Plan of Action that we and our partners agreed to with Iran in Geneva.

As of that day, for the first time in almost a decade, Iran's nuclear program will not be able to advance, and parts of it will be rolled back, while we start negotiating a comprehensive agreement to address the international community's concerns about Iran's program.

Because of the determined and focused work of our diplomats and technical experts, we now have a set of technical understandings for how the parties will fulfill the commitments made at the negotiating table. These understandings outline how the first step agreement will be implemented and verified, as well as the timing of implementation of its provisions.

Iran will voluntarily take immediate and important steps between now and January 20 to halt the progress of its nuclear program. Iran will also continue to take steps throughout the six months to live up to its commitments, such as rendering the entire stockpile of its 20% enriched uranium unusable for further enrichment. As this agreement takes effect, we will be extraordinarily vigilant in our verification and monitoring of Iran's actions, an effort that will be led by the International Atomic Energy Agency.

The United States and the rest of our P5+1 partners will also take steps, in response to Iran fulfilling its commitments, to begin providing some limited and targeted relief. The \$4.2 billion in restricted Iranian assets that Iran will gain access to as part of the agreement will be released in regular installments throughout the six months. The final installment will not be available to Iran until the very last day.

While implementation is an important step, the next phase poses a far greater challenge: negotiating a comprehensive agreement that resolves outstanding concerns about the peaceful nature of Iran's nuclear program.

As the United States has made clear many times, our absolute top priority in these negotiations is preventing Iran from obtaining a nuclear weapon. We have been clear that diplomacy is our preferred path because other options carry much greater costs and risks and are less likely to provide a lasting solution.

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On January 20, 2014, the International Atomic Energy Agency ("IAEA") issued a report confirming that Iran had begun implementing the JPOA by taking the initial steps. The United States and its P5+1 partners determined based on Iran's compliance with its

responsibilities under the JPOA that they would reciprocate in taking initial steps to implement their commitments under the JPOA. See January 20, 2014 State Department Special Briefing on Iran and Implementation of the JPOA, available at www.state.gov/r/pa/prs/ps/2014/01/220058.htm. Specifically, Iran stopped enriching uranium above 5 percent, disabled the interconnections between the cascades being used to enrich up to 20 percent, began the process of diluting half of its stockpile of 20 percent uranium, and provided information to the IAEA required by the JPOA to facilitate increased access to inspect nuclear facilities. See *id.*

Several negotiation sessions were held in 2014 in an effort to reach a final deal. See February 22, 2014 Remarks on Iran by Under Secretary of State Wendy Sherman, available at www.state.gov/p/us/rm/2014/221923.htm; March 19, 2014 Background Briefing on EU Coordinated P5+1-Iran Negotiations from Vienna, Austria, available at www.state.gov/r/pa/prs/ps/2014/03/223712.htm; April 9, 2014 briefing on talks, available at www.state.gov/r/pa/prs/ps/2014/04/224624.htm; May 16, 2014 briefing, available at www.state.gov/r/pa/prs/ps/2014/05/226252.htm; June 16, 2014 briefing, available at www.state.gov/r/pa/prs/ps/2014/06/227633.htm; June 20, 2014 briefing, available at www.state.gov/r/pa/prs/ps/2014/06/228216.htm. In July, after several weeks of negotiations, the parties decided to extend the JPOA beyond six months until November 24, 2014. See September 18, 2014 briefing, available at www.state.gov/r/pa/prs/ps/2014/09/231838.htm. In the September 18, 2014 briefing on the talks, a senior U.S. government official explained the rationale for the extension:

We made that decision because there had been enough progress to see a path forward; because it's important that Iran's nuclear program not advance further under the terms of the JPOA while we work to negotiate a comprehensive joint plan of action; and because we all know that diplomacy is the best, most enduring way to solve this most pressing security challenge.

After talks concluded on November 24, 2014, the parties agreed to a further seven-month extension. Secretary Kerry held a press conference in Vienna on November 24 to summarize progress in the talks and announce the extension. The Secretary's remarks are excerpted below and available at www.state.gov/secretary/remarks/2014/11/234363.htm.

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Now we have worked long and hard not just over these past days but for months in order to achieve a comprehensive agreement that addresses international concerns about Iran's nuclear program. This takes time. The stakes are high and the issues are complicated and technical, and each decision affects other decisions. There's always an interrelationship, and each decision also deeply affects international security and national interests.

It also takes time to do this because we don't want just any agreement. We want the right agreement. Time and again, from the day that he took office, President Obama has been crystal clear that we must ensure that Iran does not acquire a nuclear weapon, period. And this is not specific to one country; it's the policy of many countries in the world to reduce the numbers of nuclear weapons that exist today and not to allow new ones. And we are engaged in that struggle in many places. And the fact is that even Russia and the United States, who have the largest number, are working hard to reduce that number and to reduce the potential of fissionable nuclear material being available to any additional entity in the world.

President Obama has been just as clear that the best way to do this is through diplomacy, through a comprehensive and durable agreement that all parties can agree to, that all parties are committed to upholding, and whose implementation is not based on trust but on intensive verification. And that is not just because diplomacy is the preferred course; it is also the most effective course.

Diplomacy is also difficult. These talks aren't going to suddenly get easier just because we extend them. They're tough and they've been tough and they're going to stay tough. If it were easier, if views on both sides weren't as deeply held as they are, then we'd have reached a final agreement months or even years ago. But in these last days in Vienna, we have made real and substantial progress, and we have seen new ideas surface. And that is why we are jointly—the P5+1, six nations and Iran—extending these talks for seven months with the very specific goal of finishing the political agreement within four months and with the understanding that we will go to work immediately, meet again very shortly. And if we can do it sooner, we want to do it sooner.

At the end of four months, we have not agreed on the major—if we have not agreed on the major elements by that point in time and there is no clear path, we can revisit how we then want to choose to proceed.

Now we believe a comprehensive deal that addresses the world's concerns is possible. It is desirable. And at this point, we have developed a clearer understanding of what that kind of deal could look like, but there are still some significant points of disagreement, and they have to be worked through.

Now I want to underscore that even as the negotiations continue towards a comprehensive deal, the world is safer than it was just one year ago. It is safer than we were before we agreed on the Joint Plan of Action, which was the interim agreement.

One year ago, Iran's nuclear program was rushing full speed toward larger stockpiles, greater uranium enrichment capacity, the production of weapons-grade plutonium, and ever shorter breakout time. Today, Iran has halted progress on its nuclear program and it has rolled it back for the first time in a decade.

A year ago, Iran had about 200 kilograms of 20 percent enriched uranium in a form that could be quickly enriched into a weapons-grade level. Today, Iran has no such 20 percent enriched uranium—zero, none—and they have diluted or converted every ounce that they had and suspended all uranium enrichment above 5 percent.

A year ago, Iran was making steady progress on the Arak reactor, which, if it had become operational, would have provided Iran with a plutonium path to a nuclear weapon. Today, progress on Arak, as it is known, is frozen in place.

A year ago, inspectors had limited access to Iran's nuclear program. Today, IAEA inspectors have daily access to Iran's enrichment facilities and a far deeper understanding of Iran's program. They have been able to learn things about Iran's centrifuge production, uranium

mines, and other facilities that are important to building trust. That's how you build trust, and that's why Iran made the decision to do it. And they've been able to verify that Iran is indeed living up to its JPOA commitments.

All of these steps by Iran and the limited sanctions relief that the international community provided in return are important building blocks to lay the foundation for a comprehensive agreement and they begin to build confidence among nations.

A year ago, we had no idea whether or not real progress could be made through these talks. We only knew that we had a responsibility to try. Today, we are closer to a deal that would make the entire world, especially our allies and partners in Israel and in the Gulf, safer and more secure.

Is it possible that in the end we just won't arrive at a workable agreement? Absolutely. We are certainly not going to sit at the negotiating table forever, absent measurable progress. But given how far we have come over the past year and particularly in the last few days, this is not certainly the time to get up and walk away. These issues are enormously complex. They require a lot of tough political decisions and they require very rigorous technical analysis of concepts. It takes time to work through the possible solutions that can effectively accomplish our goals and that give the leaders of all countries confidence in the decisions that they are being asked to make.

So our experts will meet again very soon. In fact, we will have a meeting in December as soon as possible in order to continue this work and to drive this process as hard as we can. And as the parties continue to negotiate, all of the current restraints on the nuclear program in Iran will remain in place.

Now, let me make it clear: Our goal in these negotiations is not a mystery. It is not a political goal. It is not an ideological goal. It is a practical goal, a goal of common sense, and it is achievable. The United States and our EU and P5+1 partners—the UK, France, Germany, Russia, and China, a group of nations that doesn't always see eye to eye—agree unanimously about what a viable agreement would need to look like.

First and foremost, the viable agreement would have to close off all of the pathways for Iran to get fissile material for a nuclear weapon. A viable agreement would have to include a new level of transparency and verification beyond the expanded access that we've had under the JPOA. And as these conditions are met, a viable agreement would also include for Iran relief from the international nuclear-related sanctions that help to bring them to the table to negotiate in the first place.

And because of the nature of these talks, we should not—and I emphasize we will not—in the days ahead discuss the details of the negotiations. And we're doing that simply to preserve the space to be able to make the choices that lie ahead. But I can tell you that progress was indeed made on some of the most vexing challenges that we face, and we now see the path toward potentially resolving some issues that have been intractable.

I want to also emphasize: This agreement, like any agreement, regarding security particularly, cannot be based on trust because trust can't be built overnight. Instead, the agreement has to be based on verification, on measures that serve to build confidence over time. And I want to make it even further clear to everybody here we really want this to work—but not at the cost of just anything. We want to reach a comprehensive deal and we want it to work for everybody. And we want the people of Iran to get the economic relief that they seek and to be able to rejoin the international community.

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c. *Russia and Ukraine*

On March 5, 2014, U.S. Secretary of State John Kerry met in Paris with U.K. Foreign Secretary William Hague and Acting Ukraine Foreign Minister Andriy Deshchysia to discuss the Budapest Memorandum, a document signed by the United States, the United Kingdom, Ukraine, and Russia in 1994. The Russian Federation was invited, but declined to attend the meeting. In the meeting, the governments of the United States, United Kingdom, and Ukraine discussed measures to restore Ukraine's territorial integrity, including direct talks between Ukraine and Russia and deployment of international observers to eastern Ukraine and Crimea.

On March 25, 2014, the United States and Ukraine issued a Joint Statement rejecting Russia's purported annexation of Crimea. The Joint Statement follows and is available at www.whitehouse.gov/the-press-office/2014/03/25/joint-statement-united-states-and-ukraine.

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On the occasion of the third Nuclear Security Summit in The Hague, the United States and Ukraine today reaffirm their strategic partnership and emphasize the important role of nuclear nonproliferation in that relationship. The United States values its 20-year partnership with Ukraine on these issues. Our nonproliferation partnership dates from Ukraine's 1994 decision to remove all nuclear weapons from its territory and to accede to the Treaty on the Non-Proliferation of Nuclear Weapons as a non-nuclear-weapon state. In the 1994 Budapest Memorandum, the United States, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland welcomed these Ukrainian actions, and they reaffirmed their commitment to Ukraine to respect the independence, sovereignty, and existing borders of Ukraine. The United States government reaffirms that commitment today to the new Ukrainian government and the people of Ukraine, including in Crimea. The United States government condemns Russia's failure to abide by its commitments under the Budapest Memorandum with its unilateral military actions in Ukraine. Russia's actions undermine the foundation of the global security architecture and endanger European peace and security. Ukraine and the United States emphasize that they will not recognize Russia's illegal attempt to annex Crimea. Crimea is an integral part of Ukraine. The United States will continue to help Ukraine affirm its sovereignty and territorial integrity. As the people of Ukraine work to restore unity, peace, and security to their country, the United States will stand by their side.

The United States and Ukraine reiterate their commitment to upholding their nuclear nonproliferation commitments. The United States recognizes the importance of the 2012 removal of all highly enriched uranium from Ukraine. This removal again highlighted Ukraine's leadership in nuclear security and nonproliferation, as we collectively work together to secure the world's vulnerable nuclear material. As part of its support for this effort, the United States committed in 2010 to work with Ukraine to construct a Neutron Source Facility at the Kharkiv Institute for Physics and Technology. This month construction of the Neutron Source Facility

was completed. The facility, equipped with the most up-to-date technology to operate at the highest safety standards, provides Ukraine with new research capabilities and the ability to produce industrial and medical isotopes for the benefit of the Ukrainian people.

This state of the art facility is representative of the modern, European state the Government of Ukraine is committed to building. To build on this important cooperation, the United States will continue to provide technical support for the Neutron Source Facility as Ukraine completes the necessary final equipment installation, testing, and start-up to make the facility fully operational as soon as practical.

This successful effort reflects broad U.S.-Ukrainian cooperation on nuclear security and nonproliferation. Our countries recently extended the U.S.-Ukraine Cooperative Threat Reduction (CTR) Umbrella Agreement and the U.S.-Ukraine Agreement Concerning Operational Safety Enhancements, Risk Reduction Measures, and Nuclear Safety Regulation for Civilian Nuclear Facilities in Ukraine.

The United States and Ukraine intend to continue to partner to prevent nuclear proliferation by improving Ukraine's ability to detect nuclear materials on its borders, to provide physical protection at sites with nuclear or radioactive materials, and to maintain an adequate export control system in order to help realize the goals of the Nuclear Security Summits.

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On April 28, 2014, in remarks during the PrepCom at a session hosted by the Permanent Mission of Ukraine to the UN, Assistant Secretary Countryman addressed the topic of lessons learned from Ukraine's renunciation of nuclear weapons. Assistant Secretary Countryman's remarks are excerpted below and available at www.state.gov/t/isn/rls/rm/2014/225346.htm.

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Budapest Memorandum Commitments

In the 1994 Budapest Memorandum, the United States, Russia, and the United Kingdom made a commitment to respect the independence, sovereignty, and existing borders of Ukraine. The United States government remains committed to the Budapest Memorandum.

Our partnership with Ukraine goes back many years, and is particularly strong in the area of nonproliferation. We appreciate Ukraine's continued leadership in this area.

Ukraine's Nonproliferation Record

This year marks the twentieth anniversary of Ukraine's historic decision to remove the third largest stockpile of nuclear weapons in the world from its territory and to accede to the Nuclear Nonproliferation Treaty as a non-nuclear-weapon state. Ukraine's unwavering commitment to its obligations under the NPT demonstrates that when a country places itself squarely within the NPT and diligently adheres to all of the Treaty's obligations, all nations benefit.

Since 1994, Ukraine has a strong record of supporting nuclear nonproliferation and threat reduction. With support from the "Nunn-Lugar" Cooperative Threat Reduction program, Ukraine dismantled an enormous stockpile of ICBMs, heavy bombers, and related delivery systems. In

2004, it began an augmented program with the U.S. Department of Defense that includes weapons of mass destruction proliferation prevention and border security initiatives. By hosting the multilateral Science and Technology Center in Ukraine (STCU), Ukraine has engaged over 20,000 scientists from the former Soviet weapons program in peaceful activities. The United States has been proud to be a partner in those efforts.

Ukraine brought its IAEA safeguards agreement into force in 1995; it signed the Additional Protocol in 2000 and brought it into force in 2006. Ukraine joined the Global Partnership against the spread of WMD in 2005, in 2007 it was one of the first countries to join the Global Initiative to Combat Nuclear Terrorism. Ukraine participated actively in all three Nuclear Security Summits. In 2012, Ukraine fulfilled its pledge to remove all highly enriched uranium from Ukraine, a highlight of the 2012 Summit.

In 2013, we extended the U.S.-Ukraine Cooperative Threat Reduction Umbrella Agreement for another seven years, as well as an agreement to increase safety and risk reduction at civilian nuclear facilities in Ukraine. Recent events in Ukraine underline the importance of bringing to closure to the legacy of Chernobyl by finishing construction of a landmark shelter to durably protect the population and environment, a project to which the United States has pledged approximately \$337 million. Last month, a joint U.S. – Ukraine project to construct a Neutron Source Facility at the Kharkiv Institute for Physics and Technology was completed, providing Ukraine with new research capabilities and the ability to produce industrial and medical isotopes. In short, U.S. – Ukrainian cooperation on nuclear security and nonproliferation is broad and deep.

U.S. Commitment to Nonproliferation

We applaud Minister of Foreign Affairs Deshchysia's reaffirmation of Ukraine's longstanding commitment to its nonproliferation obligations at the Nuclear Security Summit last month. Like Ukraine, the United States is committed to achieving the peace and security of a world without nuclear weapons. This is a central element of President Obama's nuclear agenda. There is a long road ahead, but we are working to create the conditions for its eventual achievement. As President Obama said in Berlin in June, 2013, the United States can ensure its security and that of its allies while safely pursuing further nuclear reductions with Russia of up to one-third in the deployed strategic warhead level established in the New START Treaty.

As next steps toward nuclear disarmament, the United States remains committed to pursuing entry into force of the Comprehensive Nuclear-Test-Ban Treaty and consensus to start negotiations on a Fissile Material Cutoff Treaty.

I would like to highlight the work done at the P5 Conference earlier this month in Beijing toward implementing the Action Plan adopted at the 2010 NPT Review Conference

The NPT serves as a key element of international security and the basis for international nuclear cooperation. We will continue to address the serious challenges of cases of noncompliance with Treaty obligations, and will continue to support expanding access to the peaceful uses of nuclear energy. We look forward to a productive Preparatory Committee meeting, and reaffirm our commitment to ensuring the Treaty's contributions to international peace and security are strengthened.

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d. *Republic of Korea*

The existing U.S.-R.O.K. Agreement for Peaceful Nuclear Cooperation Agreement was signed in 1973, entered into force in 1974, and was set to expire on March 19, 2014. As discussed in *Digest 2013* at 677-680, the United States and Republic of Korea decided to extend the existing agreement to allow for continued negotiations of a new agreement. The existing agreement predates the 1978 Nuclear Nonproliferation Act, requiring that Congress take legislative action to permit the extension of an agreement that is not compliant with current law. On January 28, the House passed the needed legislation authorizing the President to extend the existing agreement and the President signed it into law on February 12, 2014 (P.L. 113-81).

On March 18, 2014, the United States and the Republic of Korea concluded an agreement extending the duration of the existing Agreement for Peaceful Nuclear Cooperation until March 19, 2016. The extension entered into force immediately. See March 18, 2014 State Department media note, available at www.state.gov/r/pa/prs/ps/2014/03/223657.htm. The media note includes the following:

The United States and the R.O.K. are pleased that the extension of the existing agreement will allow our two sides to continue our extensive and long-standing bilateral cooperation on the peaceful uses of nuclear energy in an environmentally responsible manner. The two-year extension will also provide additional time for the two sides to complete negotiations on a successor nuclear cooperation agreement.

e. *Taiwan*

On January 7, 2014, President Obama transmitted to Congress, pursuant to sections 123b. and 123d. of the Atomic Energy Act of 1954 as amended (42 U.S.C. § 2153(b), (d)), the text of a proposed Agreement for Cooperation between the American Institute in Taiwan (“AIT”) and the Taipei Economic and Cultural Representative Office in the United States (“TECRO”) Concerning Peaceful Uses of Nuclear Energy. Cong. Rec. H8-9 (Jan. 7, 2014); Daily Comp. Pres. Docs. DCPD No. 00006 (Jan. 7, 2014). The agreement entered into force June 22, 2014 after the required 90 days of continuous session for congressional review had passed. The President’s transmittal included the following statement about the agreement:

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with the authorities on Taiwan based on a mutual commitment to nuclear nonproliferation. The proposed Agreement has an indefinite term from the date of its entry-into- force, unless terminated by either party on 1 year’s written notice. The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for

nuclear research and nuclear power production. The Agreement also specifies cooperation shall be in accordance with the provisions of the Agreement and applicable legal obligations, including, as appropriate, treaties, international agreements, domestic laws, regulations, and/or licensing requirements (such as those imposed by the NRC in accordance with 10 CFR 110 and the Department of Energy in accordance with 10 CFR 810). It does not permit transfers of Restricted Data, sensitive nuclear technology and facilities, or major critical components of such facilities. The proposed Agreement also prohibits the possession of sensitive nuclear facilities and any engagement in activities involving sensitive nuclear technology in the territory of the authorities represented by TECRO. In the event of termination of the proposed Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the proposed Agreement.

Over the last two decades, the authorities on Taiwan have established a reliable record on nonproliferation and on commitments to nonproliferation. While the political status of the authorities on Taiwan prevents them from formally acceding to multilateral nonproliferation treaties or agreements, the authorities on Taiwan have voluntarily assumed commitments to adhere to the provisions of multilateral treaties and initiatives. The Republic of China ratified the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) in 1970 and ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (the “Biological Weapons Convention” or “BWC”) in 1972. The authorities on Taiwan have stated that they will continue to abide by the obligations of the NPT (i.e., those of a non-nuclear-weapon state) and the BWC, and the United States regards them as bound by both treaties. The authorities on Taiwan follow International Atomic Energy Agency standards and directives in their nuclear program, work closely with U.S. civilian nuclear authorities, and have established relationships with mainland Chinese civilian authorities with respect to nuclear safety. ...

f. Vietnam

On February 24, 2014, President Obama made the determination pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended, (42 U.S.C. § 2153(b)), that performance of the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the Socialist Republic of Vietnam Concerning Peaceful Uses of Nuclear Energy “will promote, and will not constitute an unreasonable risk to, the common defense and security.” 79 Fed. Reg. 12,655 (Mar. 6, 2014). The President considered the proposed Agreement along with the views, recommendations, and statements of interested government agencies. The Federal Register notice also includes the President’s approval and authorization as follows: “Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42

U.S.C. § 2153(b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.” *Id.*

On May 8, 2014, the President transmitted the proposed 123 Agreement with Vietnam to Congress. Daily Comp. Pres. Docs. DCPD No. 00344 (May 8, 2014). Excerpts below are from the President’s message to Congress transmitting the proposed Agreement. The agreement entered into force on October 3, 2014 after the required 90-day period of congressional review.

* * * *

The proposed Agreement provides a comprehensive framework for peaceful nuclear cooperation with Vietnam based on a mutual commitment to nuclear nonproliferation. Vietnam has affirmed that it does not intend to seek to acquire sensitive fuel cycle capabilities, but instead will rely upon the international market in order to ensure a reliable nuclear fuel supply for Vietnam. This political commitment by Vietnam has been reaffirmed in the preamble of the proposed Agreement. The Agreement also contains a legally binding provision that prohibits Vietnam from enriching or reprocessing U.S.-origin material without U.S. consent.

The proposed Agreement will have an initial term of 30 years from the date of its entry into force, and will continue in force thereafter for additional periods of 5 years each. Either party may terminate the Agreement on 6 months’ advance written notice at the end of the initial 30 year term or at the end of any subsequent 5-year period. Additionally, either party may terminate the Agreement on 1 year’s written notice. I recognize the importance of executive branch consultations with the Congress regarding the status of the Agreement prior to the end of the 30-year period after entry into force and prior to the end of each 5-year period thereafter. To that end, it is my strong recommendation that future administrations conduct such consultations with the appropriate congressional committees at the appropriate times.

The proposed Agreement permits the transfer of information, material, equipment (including reactors), and components for nuclear research and nuclear power production. It does not permit transfers of Restricted Data, sensitive nuclear technology, sensitive nuclear facilities, or major critical components of such facilities. In the event of termination of the Agreement, key nonproliferation conditions and controls continue with respect to material, equipment, and components subject to the Agreement.

Vietnam is a non-nuclear-weapon state party to the Treaty on the Non-Proliferation of Nuclear Weapons. Vietnam has in force a comprehensive safeguards agreement and an Additional Protocol with the International Atomic Energy Agency. Vietnam is a party to the Convention on the Physical Protection of Nuclear Material, which establishes international standards of physical protection for the use, storage, and transport of nuclear material, and has ratified the 2005 Amendment to the Convention. A more detailed discussion of Vietnam’s intended civil nuclear program and its nuclear nonproliferation policies and practices, including its nuclear export policies and practices, is provided in the NPAS and in a classified annex to the NPAS submitted to you separately. As noted above, the Director of National Intelligence will provide an addendum to the NPAS containing a comprehensive analysis of Vietnam’s export control system with respect to nuclear-related matters.

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g. *United Kingdom*

On July 24, 2014, the President transmitted to Congress the text of an amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes of July 3, 1958, as amended (the “U.S.-U.K. Mutual Defense Agreement”). The transmittal, pursuant to Section 123d. of the Atomic Energy Act, included the President’s written approval, authorization, and determination concerning the amendment. The President’s message to Congress transmitting the amendment is available at www.whitehouse.gov/the-press-office/2014/07/24/message-congress-amendment-between-united-states-and-united-kingdom-grea, and includes the following explanation of the effect of the amendment and the basis for the President’s determination that it is in the national interest:

The Amendment extends for 10 years (until December 31, 2024), provisions of the 1958 Agreement that permit the transfer between the United States and the United Kingdom of classified information concerning atomic weapons; nuclear technology and controlled nuclear information; material and equipment for the development of defense plans; training of personnel; evaluation of potential enemy capability; development of delivery systems; and the research, development, and design of military reactors. Additional revisions to portions of the Amendment and Annexes have been made to ensure consistency with current United States and United Kingdom policies and practice regarding nuclear threat reduction, naval nuclear propulsion, and personnel security.

In my judgment, the Amendment meets all statutory requirements. The United Kingdom intends to continue to maintain viable nuclear forces into the foreseeable future. Based on our previous close cooperation, and the fact that the United Kingdom continues to commit its nuclear forces to the North Atlantic Treaty Organization, I have concluded it is in the United States national interest to continue to assist the United Kingdom in maintaining a credible nuclear deterrent.

On November 19, 2014, the U.S. House of Representatives passed H.R. 5681, which provided authorization for the Amendment to the U.S.-U.K. Mutual Defense Agreement to be brought into effect notwithstanding the provisions for congressional consideration of a proposed agreement for cooperation in 123d. of the Atomic Energy Act of 1954 (42 U.S.C. § 2153). The Senate approved the bill on December 3, 2014, and the President signed it into law on December 19, 2014. P.L. No. 113-228. The Amendment entered into force on December 17, 2014.

C. IMPLEMENTATION OF UN SECURITY COUNCIL RESOLUTION 1540

On April 29, 2014, Nayyera Haq, acting spokesperson for the U.S. Mission to the United Nations, delivered a statement on the ten year anniversary of UN Security Council Resolution 1540. Her remarks are excerpted below and available in full at

<http://usun.state.gov/briefing/statements/225417.htm>.

* * * *

Ten years ago this week, the United States co-sponsored and the UN Security Council unanimously adopted Resolution 1540. This seminal resolution legally binds all states to take a wide range of measures to combat the proliferation of nuclear, chemical, and biological weapons and their means of delivery, especially to terrorists and other non-state actors. Since then, the resolution has had a profoundly positive impact in reducing the vulnerability this threat posed to international peace and security.

Dozens of countries, including the United States, have adopted or adapted laws, regulations, policies, and programs to comply with the more than two hundred individual obligations of the resolution, while more than forty international, regional, and sub-regional organizations have incorporated elements of the resolution into their mandates and work programs, such as the G8 Leaders' 2011 decision to expand the mandate of the Global Partnership Against the Spread of Weapons and Materials of Mass Destruction to include implementation of the resolution.

The United States remains resolute in its support for full implementation of the resolution. As shown in its most recent report to the 1540 Committee, the United States meets or exceeds international standards in implementing its obligations under the resolution. It also has an expansive range of programs to help other States implement the resolution.

Despite this good news, much work remains. Many States, for example, need to take still more steps to secure related materials, control sensitive exports, or prevent the financing of proliferation. Even where States have taken actions, they must remain cognizant of the emergence of new technologies or changes in the international community that terrorists and other criminals might abuse to acquire nuclear, chemical, or biological weapons. Recognizing this challenge, President Obama has fostered several initiatives, such as advancing the Global Health Security Agenda, which seeks to accelerate the capacity of States to prevent, detect and respond to biological threats, and initiating the Nuclear Security Summit process, which strengthens the development of a comprehensive nuclear security architecture. The United States reiterates its support for full implementation of the resolution, including the work of the 1540 Committee.

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On May 7, 2014, Ambassador Rosemary DiCarlo, U.S. Deputy Permanent Representative to the UN, delivered remarks at a Security Council debate on Resolution 1540. Her statement, excerpted below, is available at

<http://usun.state.gov/briefing/statements/225738.htm>.

* * * *

My government is pleased to join in commemorating the 10th anniversary of UN Security Council Resolution 1540 and in adopting a Presidential Statement regarding our continued commitment to the goals of that landmark measure.

Over the past year, we have been reminded of the horror that can result when weapons of mass destruction are used. Resolution 1540 was designed to minimize that possibility through concerted international action to prevent the proliferation of nuclear, chemical, and biological arms and their means of delivery, especially to non-state actors, including terrorists.

In 2004, working with many of you, my government crafted a resolution specifying some two hundred technical and legal obligations every state should undertake to make proliferation riskier for those who attempt it and easier to detect and stop when they do.

Since Resolution 1540 was adopted, the 1540 Committee has identified hundreds of additional measures States on every continent have taken to prohibit WMD proliferation activities, secure sensitive related materials, and combat illicit trafficking of such items in response to the obligations the resolution created. Fifteen international organizations and almost four dozen countries, including my own, have registered as “assistance providers.” When a country, in order to meet its obligations, requests help, we are prepared to provide it. Regional groups – such as the AU, EU, OAS, and OSCE have incorporated elements of the resolution into their mandates and daily work.

Nonproliferation has also become a major goal for civil society. As Secretary-General Ban Ki-moon remarked last week, the resolution has become a “key component of the global security architecture.”

Accordingly, I commend the efforts of the Council’s 1540 Committee including its current and highly effective chair, the Republic of Korea. Since its creation, the committee has done an excellent job of coordinating the global effort to implement this vital resolution.

Looking ahead, we know that there remains much more that we can and must do. Stopping the spread of nuclear, biological and chemical weapons is not one of those fields where a “pretty good” record is enough. The potential consequences of failure anywhere and at any time could be catastrophic.

Recognizing this challenge, President Obama established the Nuclear Security Summit process. During the third Summit in March in the Hague, over 30 countries produced a joint statement calling for full global implementation of the nuclear security elements of Resolution 1540 prior to the Council’s next comprehensive review in 2016, a welcome sign that global vigilance is high and that we are determined to work cooperatively to protect our citizens.

The imperative now is to continue moving forward with the tasks outlined a decade ago. Each state must identify its own vulnerabilities and gaps in implementation. Each must develop a plan for next steps based on a clear sense of priorities for action. Any state that lacks the capacity to take needed measures should request help. States and organizations that are in the position to assist should do so. Everyone involved should be open to sharing useful information on a timely basis.

The United States is committed to doing its part. As shown in its most recent report to the 1540 Committee, my government meets or exceeds international standards in implementing all

of its obligations. The report documents dozens of measures taken since 2004 that are designed to implement the resolution's goals.

On the financial side, the United States has contributed \$4.5 million to the UN trust fund to support Resolution 1540. This is in addition to numerous bilateral aid projects. We have also emphasized the importance of helping states to draft effective laws to criminalize and prosecute activities that enable proliferation to take place. We are pleased that the 1540 Committee has begun working with parliamentarians, including the Inter-Parliamentary Union, to organize this assistance.

Mr. President, the widespread availability of information is a defining characteristic of our age. There are many benefits to this, but one of the dangers is that people who wish to inflict great harm on others have access to the knowledge that would allow them to do so. This is especially the case with respect to biological agents which are often able to reproduce themselves, meaning that a proliferator need only acquire a small amount of a pathogen to pose a large risk. For this reason, my government proposes that special emphasis be placed on improving the design of national and global approaches to the problem of bio-security, and one way to do so is to promote the Global Health Security Agenda.

We recognize that terrorists and other proliferators will employ new technologies and methods to gain access to prohibited materials and to avoid detection in transporting and possibly using them. In response, we cannot afford to be complacent. A security system that was adequate five years ago may not be sufficient now; and today's good system may be obsolete within a few years.

In closing, Mr. President, I emphasize the global nature of the threat addressed by Resolution 1540. This includes chemical weapons of the type so ruthlessly deployed against civilians in Syria; toxins sent through the mail in the United States; the complicity of some governments in proliferation, including that of the Democratic People's Republic of Korea; and the knowledge that terrorist and militant groups in many parts of the world have actively sought to acquire the means to produce WMD. With this threat always before us, we must proceed with renewed vigor to implement Resolution 1540 fully, cooperatively, and urgently. Thank you.

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D. PROLIFERATION SECURITY INITIATIVE

On May 22, 2014, the United States welcomed the Government of Vietnam's support of the Statement of Interdiction Principles of the Proliferation Security Initiative ("PSI"). A May 22 State Department media note, available at www.state.gov/r/pa/prs/ps/2014/05/226449.htm, indicates that Vietnam announced its decision to support and participate in the PSI on May 20, 2014, demonstrating "its strong commitment to stopping the proliferation of weapons of mass destruction (WMD), enhancing the security and safety of global trade, and promoting a peaceful Asia-Pacific region." For background on the PSI, see *Digest 2003* at 1095-1100 and www.state.gov/t/isn/c10390.htm.

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E. CHEMICAL AND BIOLOGICAL WEAPONS

1. Chemical Weapons

Efforts continued in 2014 to rid Syria of its chemical weapons. On January 30, 2014, Ambassador Robert P. Mikulak, head of the United States Delegation to the Executive Council of the Organization for the Prohibition of Chemical Weapons (“OPCW”), delivered remarks to the OPCW’s Executive Council on difficulties encountered in those efforts. Ambassador Mikulak’s statement is excerpted below and available at www.state.gov/t/avc/rls/2014/220783.htm.

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Since the last meeting of this Council on January 8th, the effort to remove chemical agent and key precursor chemicals from Syria has seriously languished and stalled. To date, only four percent of the Priority One chemicals declared by the Syrian Arab Republic have been removed, and roughly the same small percentage of the Priority Two chemicals. Let us not forget that this Council on November 15th of last year adopted specific timelines for the elimination of Syria’s chemical weapons program, which required that 100 percent of the Priority One chemicals be removed from Syria by 31 December. The United States recognizes that 31 December was an ambitious goal for completing removal of the many tons of Priority One chemicals. However, the Syrian Arab Republic had not even begun the transport of Priority One chemicals to Latakia by 31 December, despite urgings from the Joint Mission Special Coordinator to “intensify” its preparation efforts.

...Today we are one month past the 31 December completion date set by the Council. Almost none of the Priority One chemicals have been removed, and the Syrian government will not commit to a specific schedule for removal. This situation will soon be compounded by Syria’s failure to meet the February 5th completion date set by this Council for the removal of all Priority Two chemicals. Syria has said that its delay in transporting these chemicals has been caused by “security concerns” and insisted on additional equipment—armored jackets for shipping containers, electronic countermeasures, and detectors for improvised explosive devices. These demands are without merit, and display a “bargaining mentality” rather than a security mentality.

The Joint Mission and the OPCW Technical Secretariat have rightly concluded that the additional equipment demanded by Syria is not needed for the safe transport of the chemicals to Latakia. And let us not forget that these chemicals have often been moved during the ongoing conflict without such equipment, demonstrating that Syria has been able to ensure sufficient protection to date with its current capabilities, and without this additional “wish list” of equipment. As Secretary-General Ban said recently, “...the Syrian Arab Republic has sufficient material and equipment necessary to carry out multiple ground movements to ensure the expeditious removal of chemical weapons material.” Secretary-General Ban added that “...it is imperative that the Syrian Arab Republic now examines the situation, intensifies its efforts to

expedite in-country movements of chemical weapons material, and continues to meet its obligations” under UN Security Council Resolution 2118 and the OPCW Executive Council decisions.

...Syria’s requests for equipment and open-ended delaying of the removal operation could ultimately jeopardize the carefully timed and coordinated multi-state removal and destruction effort. For our part, the international community is ready to go, and the international operation to remove the chemicals is fully in place and ready to proceed once Syria fulfills its obligation to transport the chemicals to Latakia. On Monday, the U.S. ship Cape Ray set sail from Norfolk, Virginia, and will be in the Mediterranean shortly. The delay by Syria is increasing the costs to nations that have made donations for shipping, escort, and other services related to the removal effort.

...The United States is deeply concerned about the failure of the Government of Syria to transport to Latakia all of the chemical agent and precursors as mandated by OPCW Executive Council decisions.

After missing the December 31, 2013, target date, the first movement of chemical agents took place on January 7, 2014. It took another three weeks, until January 27, 2014, for another shipment to take place. Syria must immediately take the necessary actions to comply with its obligations under the Chemical Weapons Convention, Executive Council decisions, and UN Security Council Resolution 2118.

It is imperative that the removal effort be conducted with regularity, rather than after long intervals. In order for obligations to be kept, it is essential that the Syrian government establish a plan that will give the international community confidence that movements will be made regularly. There should be no doubt that responsibility for the lack of progress and increasing costs rests solely with Syria. In the report for this meeting, the Council should express “deep concern” over Syria’s delays in implementation of its chemical weapons elimination obligations and call for the transport of all chemicals to Latakia for removal without any further delay.

...At this meeting, there is yet another serious issue involving the Syrian Arab Republic which must be addressed by this Council—the destruction of Syrian chemical weapons production facilities. Syria has proposed that seven hardened aircraft hangars and five underground structures previously used in connection with the production of its chemical weapons be “inactivated” and rendered inaccessible, for example, by welding doors shut and constructing interior obstacles. These proposed measures are readily reversible within days and clearly do not meet the requirement of “physically destroyed” as provided for by the Convention and the precedents for implementing that requirement.

...With respect to the hangars, the United States is willing to explore an approach which would entail collapsing the roof, rendering them “physically destroyed” in line with the Convention.

The tunnels are a more challenging destruction problem that is complicated by Syria’s revision of its initial declaration. In its conversion proposal, Syria declared the entire interior space of the tunnel as a CWPF. When its conversion proposal was rightfully rejected by this Council, Syria revised its declaration to encompass only a small fraction of the interior space of the tunnels. It is clear that Syria got it right the first time and its revised declaration lacks credibility. With respect to meeting the requirement for physical destruction, the United States has concluded that the entire tunnel need not be collapsed or filled. Instead, we would propose that the tunnel portals be collapsed and the overall structural integrity of the tunnels be compromised at key junctures.

This Council must reject Syria's proposal to "inactivate" its hangar and tunnel CWPFFs, rather than physically destroying them as the CWC requires. The United States invites Council members to review the analysis and proposals contained in our recently circulated national paper.

...This Council has before it several important decisions that once again underline the commitment of the international community to make an extraordinary effort to destroy Syrian chemical weapons. One is to approve a Model Agreement produced by the Technical Secretariat related to contract arrangements with commercial companies selected for the destruction of Syrian chemicals outside Syria. My delegation supports the Decision.

The selection of the companies will be soon completed by the Technical Secretariat on the basis of a tender process conducted in accordance with international bidding standards. To further support the Technical Secretariat's efforts, the decision before us also gives formal and specific authority to the Director General to conclude, in consultation with the relevant States Parties, commercial contracts for the destruction of the chemicals. This authorization is fully consistent with the Council's wishes, previously recorded in EC-M-34/Dec.1 and EC-M-36/Dec.2.

The Council also has before it a request for the approval of the verification measures for the destruction of isopropanol in Syria, as called for in EC-M-34/Dec.1. My delegation supports the verification plan as submitted.

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Ambassador Mikulak again addressed the OPCW Executive Council on February 21, 2014. His statement is excerpted below and available at www.state.gov/t/avc/rls/2014/221891.htm.

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In the three weeks since this Council last met, there has been progress in eliminating the isopropanol in Syria and in transporting limited quantities of the stabilizer hexamine to Latakia. The fact remains, however, that 95.5 percent of Priority One chemicals—CW agent and key binary precursors—remain in Syria as well as 81.1 percent of Priority Two chemicals, well beyond the dates set for removal by the Executive Council. And the Syrian Government continues to put its energy into excuses, instead of actions.

Regrettably, this Council at its January 30th meeting failed to address Syria's unacceptable delay in completing removal of all designated chemicals. Why? Because a single member of this Council put its own political agenda above the welfare of the people of Syria and the international community. This lapse in leadership was unworthy of this Council and an affront to the dedicated efforts of the OPCW Technical Secretariat and the OPCW-UN Joint Mission to remove chemical weapons from the military arsenal of the Assad regime.

...While this Council was silent, the growing concern of the international community thankfully found its voice at the UN Security Council. On February 6th, the Security Council publicly addressed the Syria CW situation. In particular,

-- The Security Council noted growing concern, with respect to the decision of OPCW Executive Council EC-M-34/DEC.1, dated 15 November 2013, about the slow pace of the removal of the chemical weapons from the territory of Syria, which has placed efforts behind schedule;

-- The Security Council called upon the Syrian Arab Republic to expedite actions to meet its obligation to transport, in a systematic and sufficiently accelerated manner, all relevant chemicals to Latakia for removal from Syrian territory, and in this regard noted the Secretary-General and Joint Mission's call for the Syrian Arab Republic to intensify its efforts to expedite in-country movements of chemical weapons material;

--The Security Council noted the Secretary-General and Joint Mission's assessment that the Syrian Arab Republic has sufficient material and equipment necessary to carry out multiple ground movements to ensure the expeditious removal of chemical weapons material, and noted the substantial international support already provided for the removal of chemical weapons materials from the territory of the Syrian Arab Republic;

--Finally, the Security Council expressed its commitment to continue to closely monitor compliance with resolution 2118 (2013) with less than five months until the date for completing destruction of 30 June 2014 established in the OPCW Executive Council decision of 15 November 2013, which is a deadline that Security Council members remain committed to seeing met.

...The United States fully supported the press elements by the UN Security Council chairman on February 6th and reaffirms that position today. In that regard, I would like to underscore the final element and make clear the position of the United States. It was the decision of this Council on November 15th that destruction—not just removal—of Syrian chemical weapons must be completed by June 30, 2014. Despite Syria's inaction, the experts in the OPCW's Operational Planning Group agreed last week that completion of removal and destruction by June 30, 2014 is indeed achievable if action is taken by Syria now.

The international community has put into place everything that is necessary for transport and destruction of these chemicals. Sufficient equipment and material [have] been provided to Syria. The ships to carry the chemicals away from Syria are waiting. The U.S. ship to destroy CW agent and precursors is now in the region and waiting. Commercial facilities to destroy other chemicals have been selected and contracts awarded; they are waiting. And yet Syria continues to drag its feet.

...The Council should endorse all of the statements made by the President of the UN Security Council on February 6th, and reaffirm the June 30, 2014, date for removal and destruction of all Syrian chemical weapons. Further, this Council should reject Syria's delaying tactics and insist that an expedited removal schedule be adhered to by the Syrian Government that will provide the international community sufficient time to destroy Syria's chemical weapons by June 30, 2014.

...At our meeting on January 30th, the United States called this Council's attention to another serious issue—the destruction of Syrian chemical weapons production facilities (CWPF). Syria has proposed that seven hardened aircraft shelters and five underground structures previously used in connection with the production of chemical weapons be “inactivated,” by rendering them inaccessible. As detailed in a U.S. national paper and underscored by other members of this Council, Syria's proposed measures would be readily and easily reversible within days. Thus, they clearly do not meet the requirement that such facilities be “physically destroyed” under the Convention and as implemented by the other States Parties that have declared chemical weapons production facilities. In an effort to resolve this impasse, the United States has engaged Syrian officials at the OPCW on several occasions, most recently a week ago. No progress has been made. Syria has flatly rejected U.S. efforts to find compromises for achieving the “physical destruction” requirement.

...The deadline set by this Council for the destruction of Syria's twelve chemical weapons production facilities is March 15—just three weeks from today. Apparently, the Syrian Government intends to ignore yet another requirement set by the Council. This Council, however, cannot ignore the completion dates it established in its consensus decisions.

The United States believes the Council needs to address this issue, and we are considering a draft decision for the Seventy-Fifth Session of the Executive Council to address this impending situation. The United States believes this decision needs to have two principal components:

-- First, with respect to the seven hardened aircraft shelters, this Council should require that Syria by March 15 collapse the roofs using precision explosives. The United States has carefully analyzed this approach and concluded that it would meet the Convention standard for physical destruction in an expedited and cost-effective manner.

-- Second, with respect to the five underground structures, this Council, noting the additional technical challenges they entail, should extend the deadline for destruction but only on the condition that specified measures be undertaken by Syria first to inactivate them and then to physically destroy the entire underground structure.

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Ambassador Mikulak again addressed the OPCW Executive Council at its session on March 4, 2014. His remarks are excerpted below and available at www.state.gov/t/avc/rls/2014/222942.htm.

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Over the last few weeks we all have witnessed two extraordinary meetings of the Council. On January 30, delegation after delegation after delegation expressed concern about the slow pace of removal of chemicals from Syria and called for acceleration of the CW removal process. Again, on February 21, delegation after delegation after delegation ... repeated and strengthened their expressions of concern. Now, due to the insistence of members of the Council that Syria meet its commitments, there is the possibility that Syria may at last be starting to take its removal obligations seriously. Syria has now withdrawn its 100-day removal plan, which was indefensible, and presented a 65-day removal plan. Although, this is useful, the Operational Planning Group had earlier recommended steps that would allow all the chemicals to be removed in just 37 days. Moreover, the revised Syrian plan appears vulnerable to quickly expanding back to its original length since the gains were made by simply shrinking the original time devoted to packaging the chemicals at each site. There are few or no gains made by other means, for example consolidating movements into fewer than 24 missions. The Director-General made it clear that the OPG plan offered a faster timeline while also addressing Syrian concerns regarding security and the availability of equipment and personnel.

The United States believes that Syria should implement and, with the assistance of the Operational Planning Group, accelerate the new Syrian plan immediately to ensure that these deadly chemicals are out of Syria as soon as possible. We look forward to learning the Director-General's detailed assessment, and the further recommendations of the OPCW.

To any members of this Council who might be flush with optimism over the new Syrian plan, a word of caution is appropriate and necessary. What counts is not a plan on paper, but actual performance on the ground. This Council should resist any temptation to simply assume that the government of Syria will follow through on its new plan to remove chemicals from its territory. Syria's dismal record of compliance to date with the Council's removal decisions should belie any such assumption. Now is not the time for complacency, but rather for circumspection and diligent exercise of the oversight responsibilities of this Council.

As it has repeatedly done, after weeks of inaction, Syria has moved chemicals just before an Executive Council session. Perhaps more will be moved while the Council is in session this week. What counts is what happens on a consistent and regular basis going forward. The Council needs to see a systematic, sustained, and accelerated series of movements of chemicals to Latakia for removal.

This Council should consider the acceleration of the new plan to be a test of Syria's commitment to finally comply with its elimination obligations under Executive Council Decisions and UN Security Council Resolution 2118. Syria should be held to account for the plan it has put forward and directed to work with the Joint Mission to substantially accelerate the timeline for completing removal. It should immediately begin to make substantial and regular deliveries of chemicals, particularly Priority One chemicals, to Latakia. We request that the Director-General provide the Council with a chart showing the aggregate amount of chemicals to be moved each week under the plan so that the Council can monitor Syria's efforts. Weekly reports on removal actions should be provided to the Council by the Technical Secretariat. This Council should not tolerate any slippage on removal actions or political backsliding by the Syrian government.

...As you are well aware, this Council has held two successive meetings to discuss the Syria CW situation—on January 30th and February 21st—without issuing a report, unfortunately, because consensus could not be achieved. On September 27th, this Council put politics aside and let itself be guided by the moral compass of the Chemical Weapons Convention. Every State Party on this Council has pledged through the Convention's preamble “for the sake of all mankind to exclude completely the possibility of the use of chemical weapons ...” So long as those chemicals remain in Syria, the possibility of use remains. For the sake of the Syrian people, let us once again put politics aside and ensure through the actions of this Council that the Syrian government completes, with urgency and dispatch, the removal effort it has begun. To that honorable end, the report of this session should unequivocally reflect the Council's determination and commitment to closely monitor the government of Syria's efforts to implement and accelerate its new removal plan.

...Let us also not forget that Syria is about to disregard yet another deadline set by this Council. The date set by this Council for completing destruction of Syria's twelve chemical weapons production facilities is March 15—two weeks from today. The United States has made every effort to work with Syria to reach an understanding on a destruction plan. Syria has refused to negotiate, and has adamantly clung to its proposal to inactivate, rather than destroy, these CW production facilities.

...The Convention is clear with respect to the physical destruction requirement and this Council should also be clear. Since Syria has failed to propose destruction methods that meet the Convention's requirements, the United States has tabled a draft decision for this Council's consideration for addressing Syria's inertia and calculated misreading of the Convention. ...

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On March 26, 2014, Assistant Secretary Countryman addressed the Senate Foreign Relations Committee on the efforts of the UN and the OPCW to eliminate Syria's chemical weapons. His remarks, excerpted below, are available at www.state.gov/t/isn/rls/rm/2014/223973.htm.

* * * *

... While we have made important progress in the past months toward the elimination of Syria's chemicals weapons program, considerable work remains to be done to ensure the Asad regime can never again use these terrible weapons against its own people, or threaten our regional and international partners with them.

Just last year, the regime did not even publicly acknowledge that it possessed chemical weapons, despite having used them on multiple occasions, including in attacks that killed over 1,400 people. Today, OPCW inspectors on the ground in Syria, with UN support, have conducted full inspections of Syria's declared chemical weapons-related sites, and have verified the functional destruction of the chemical weapons production, mixing, and filling equipment at those sites. In addition, as of today, more than 49 percent of Syria's declared chemical weapons materials slated for destruction outside of Syria have been removed, including all of Syria's declared sulfur mustard agent, and the OPCW has verified the destruction in Syria of 93 percent of Syria's declared isopropanol, a binary component of the nerve agent sarin. But that's not good enough. Syria has yet to remove 65 percent of its most dangerous (Priority 1) declared chemicals. We must continue to work with the international community to maintain pressure on the Asad regime to remove all of these chemicals as urgently as possible.

The international community has established a firm legal framework, through UN Security Council Resolution (UNSCR) 2118 and decisions of the OPCW Executive Council, to ensure that this immense undertaking is completed in a transparent, expeditious, and verifiable manner, with a target for destroying all of Syria's declared chemicals by June 30 of this year.

The progress made in the past months has been achieved by diplomacy backed by a willingness to use military force. It remains critically important, as this process continues, that members of the international community continue to monitor closely the Syrian regime's compliance with its Chemical Weapons Convention (CWC)-related obligations. Syria's obligations are clear, and we will continue to underscore the importance of the Asad regime's continued cooperation. The Security Council decided in UNSCR 2118 to impose Chapter VII measures in the event of non-compliance with the resolution.

While we have made progress, the task before us remains considerable. After months of Syrian foot dragging, we have made clear to the Asad regime that the internationally agreed upon schedule for chemical weapons destruction is simply not up for negotiation; the regime has all

the equipment that it needs and has run out of excuses. We remain focused on underscoring the need for Syria to move forward rapidly with transporting chemical weapons materials to the port of Latakia for removal, consistent with its responsibilities under the CWC and UNSCR 2118. The next few weeks are critical in the removal effort, and we and the rest of the world are watching. We have, of course, also been in contact with Syrian opposition leaders, updating them throughout this process, and confirming their commitment that they will not interfere with the activities of the international elimination effort.

With the continuing support of the international community, and the dedicated commitment of the OPCW-UN Joint Mission, we believe the Syrians are capable of completing the removal effort by late April. The international community continues to work toward the June 30 target date for the complete elimination of the program. While Syrian delays have placed that timeline in some danger, we continue to believe they remain achievable.

The path ahead is not an easy one. Syria has missed several intermediate target dates, including most recently the target date for the destruction of chemical weapons production facilities. The regime must meet all chemical weapons destruction obligations, including for the physical destruction of chemical weapons production facilities, consistent with the CWC. The OPCW is currently advising Syria on an appropriate facilities destruction plan. It is essential that Syria accept its recommendations, and submit a revised facilities destruction plan for consideration by the OPCW Executive Council at its next scheduled meeting.

The United States and the international community have provided extensive assistance to the international effort to eliminate the Syrian chemical weapons program. There are no more excuses on the part of the Asad regime for not meeting the agreed timeline. We continue to encourage all countries to make whatever contribution they can to this important undertaking – whether that contribution is financial, technical, or in-kind—to enable the OPCW and UN to complete their missions. The United States has led by example in providing tens of millions of dollars in assistance to the OPCW-UN Joint Mission, including the provision of containers, trucks, forklifts and other materials necessary for the safe transportation of chemical weapons materials in Syria. The State Department’s Nonproliferation and Disarmament Fund has provided eight million dollars in financial and in-kind assistance to the OPCW inspection team, including armored vehicles, training, protective equipment, and medical countermeasures. Most significantly, the United States is also contributing unique capabilities to the elimination effort through the Department of Defense’s provision of a U.S. vessel, the Motor Vessel (M/V) Cape Ray, equipped with deployable hydrolysis technology to neutralize at sea Syria’s highest priority chemical weapons materials (sulfur mustard agent and the sarin precursor chemical, DF).

While U.S. contributions to the elimination efforts are significant, this is ultimately a mission that reflects a remarkable international division of labor. Many of our international partners are participating and providing financial and in-kind assistance that is critical to the effort’s success...

As the removal and elimination process continues, we will also continue to fully support the OPCW’s verification and inspection efforts, to ensure the accuracy and completeness of Syria’s declaration. We have never taken the Asad regime at its word, and will continue to press for a robust verification regime to ensure the absence of undeclared materials and facilities. We approach this process with our eyes wide open, and will insist on international verification.

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On April 20, 2014, Ambassador Mikulak addressed the Fortieth meeting of the OPCW Executive Council. His statement, excerpted below, is available at www.state.gov/t/avc/rls/2014/225340.htm.

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Last September, when this Council embarked upon the effort to eliminate Syria's chemical weapons program, in the aftermath of the terrible August 21, 2013 attacks in the suburb of Damascus, I think all of us expected to be at a very different stage of the effort than we are today.

While we recognize the accomplishment reflected in the removal of 92 percent of the declared stockpile, this job is not done until it's fully done. Although the international community quickly readied an operation to transport and destroy Syria's declared chemical weapons program, the Assad regime has delayed the operation at every opportunity. As a result, multiple dates established by the Council by consensus have been missed. Now Syria has not even met its own schedule for completing removal on 27 April. Almost 100 tons of Priority 1 and Priority 2 chemicals still remain in Syria, which represents approximately eight percent of the total declared material. And the international effort to actually destroy this deadly material is on hold and costing all involved significant sums every day.

Our understanding is that Syria has yet to even undertake the packing and other actions necessary to prepare the chemicals at the final site for transport. The excuse that the site, which is occupied by Syrian Government forces, is "inaccessible" was not acceptable before, and is not acceptable now. The Asad regime needs to develop and implement without further delay a plan to meet its obligations. We need to see immediate and tangible signs that Syria intends to transport, in the very near future, the remaining chemicals from the last site. Such signs could include, for example: destruction of the remaining isopropanol; prepositioning transport equipment; decanting chemicals; beginning packing and site preparations; and maintaining a readiness posture at the port of Latakia. These actions should already have taken place. They should be implemented immediately in order for Syria to demonstrate good faith that the regime is taking its obligations seriously, and is not playing political games. The international community cannot wait indefinitely for Syrian action.

...Despite the destruction deadlines established in this Council by consensus, twelve chemical weapons production facilities declared by Syria remain structurally intact. Why is that? The answer is Syria's intransigence and refusal to even discuss the matter with other delegations over the past weeks. The Technical Secretariat has helpfully contributed its expertise, but it cannot negotiate a final document in place of this Council. The United States continues to hope that a mutually acceptable approach can be found in the near future, but Syria must come to the table to discuss possible approaches. Our delegation is ready to actively and constructively participate in discussions to reach an acceptable solution.

Unfortunately, Syria's position seems to be that the destruction requirements should be substantially lower for Syria than they were for other countries. This cannot be the case, especially in light of the Syrian regime well demonstrated willingness to use chemical weapons. In 2001, for example, the Technical Secretariat informed the United States that "any underground structure designated for locating any equipment related to the CWPf shall also be

destroyed or filled in, and provided with permanent cover.” The same requirement should apply to underground structures in Syria. In its 27 September decision, this Council made clear that the Syrian CW situation demanded stringent verification measures and, to that end, we must ensure that these facilities can never be used by the Syrian regime to retain or restart a chemical weapons program.

...Up to this point, the elimination effort has been focused solely on the chemical weapons and associated equipment and facilities disclosed by Syria to the OPCW Technical Secretariat and States Parties. The fundamental goal of the 27 September decision of this Council, UN Security Council Resolution 2118, and indeed the Convention itself is the prevention of further regime use of chemical weapons through the total elimination of Syria’s chemical weapons program. Questions remain unanswered about the information provided by Syria. Therefore, additional attention will need to be focused on verifying the accuracy and completeness of Syria’s submissions. We welcome the initiative to send an OPCW team that has recently begun working on this task in Damascus. States Parties will also have an important role to play during this verification phase. This Council will need to monitor this effort closely as an essential part of its diligent oversight of the elimination of Syria’s chemical weapons program.

...As we reflect upon what still needs to be done to ensure the complete elimination of Syria’s chemical weapons program, nothing is more disturbing than the recent reports of chemical weapons use. As we are all aware, there are public reports and videos indicating the use of a toxic chemical—probably chlorine—in Syria this month against the opposition-dominated village of Kafr Zayta. These reports are too serious to be ignored by this Council or the international community at large. The United States considers them to be a matter of serious concern requiring an immediate international effort to determine what has happened. We commend the leadership of the Director-General in seeking to establish the facts surrounding the recent allegations of chlorine CW use against Kafr Zayta, as he has just informed us that he will. This Council should welcome these efforts and call upon Syria to immediately and fully cooperate.

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On May 22, 2014, Ambassador Mikulak addressed the 41st session of the OPCW Executive Council. His remarks are available at

www.state.gov/t/avc/rls/2014/226445.htm. On June 16, 2014, the OPCW released a report to States Parties finding that “toxic chemicals, most likely pulmonary irritating agents such as chlorine, have been used in a systematic manner in a number of attacks” in Syria. See State Department Answer to Taken Question, June 19, 2014, available at www.state.gov/r/pa/prs/ps/2014/06/228035.htm.

On June 23, 2014, Ambassador Samantha Power, U.S. Permanent Representative to the United Nations, delivered a statement on the removal of chemical weapons from Syria. Her statement, excerpted below, is available at

<http://usun.state.gov/briefing/statements/228340.htm>.

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Today, consistent with United Nations Security Council resolution 2118 and the relevant Organization for the Prohibition of Chemical Weapons (OPCW) Executive Council decisions, the final eight percent of chemical weapons materials in Syria's declaration were removed from the country. This represents a significant step.

The work of the Joint Mission of the United Nations and OPCW demonstrates what can be accomplished when international organizations, including the UN Security Council, are united in purpose and vision. The United States will begin destruction of a large amount of Syria's declared chemical weapons precursors aboard the M/V Cape Ray.

Looking forward, now that Syria's declared chemical weapons have been removed or destroyed, the international community must give its urgent attention to serious outstanding issues related to the Assad regime's chemical weapons program, including the investigation of numerous reports about the systematic use of chlorine as a chemical weapon. We must also resolve discrepancies and omissions related to the Syrian government's declaration of its chemical weapons program, and we must ensure the destruction of all of Syria's chemical weapons production facilities.

None of us can afford to forget that on August 21, 2013, Assad's forces launched a brutal chemical attack that killed over 1,400 children, women, and men, reminding us why the world has worked for 100 years to rid the world of chemical weapons. We cannot waver in our resolve to make sure Syria's chemical weapons program is fully and finally dismantled and eliminated so these weapons can no longer threaten the Syrian people or the rest of the international community.

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Ambassador Robert A. Wood, Alternate Representative for the U.S. delegation to the UN, addressed the First Committee's thematic discussion on other weapons of mass destruction at the 69th UN General Assembly on October 24, 2014. Ambassador Wood's remarks regarding Syria's chemical weapons, excerpted below, are available at www.state.gov/t/avc/rls/2014/233343.htm.

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Last year the international community welcomed UN Security Council Resolution 2118 and the September 27th OPCW Executive Council decision that legally mandated the complete elimination of Syria's chemical weapons program. These decisions were an historic and unprecedented achievement that allowed for the removal and verified destruction of Syria's declared chemical weapons—a significant step toward the complete dismantling of the Syrian chemical weapons program. This effort could not have been accomplished without the commitment and resolve of the international community. President Obama expressed his gratitude to the OPCW-UN Joint Mission and the entire international coalition for this extraordinary achievement. President Obama also made clear that the task of ensuring that Syria's chemical weapons program has been entirely eliminated is far from over. Serious concerns remain; including Syria's continued use of chemical weapons against the Syrian people

in direct contravention of its obligations under Resolution 2118, the Chemical Weapons Convention and the decisions of the OPCW Executive Council.

Mr. Chairman, the OPCW Fact-Finding Mission, set up by the Director-General to establish the facts around allegations that chlorine has been used as a chemical weapon, has confirmed the use of such a chemical in its second report dated 10 September 2014. The United States commends the courage and dedication of the Mission and its professional and impartial efforts to ascertain the facts regarding chemical weapons use in Syria. We join the rest of the international community in strongly supporting the Director-General's decision to have the Fact-Finding Mission continue its work.

This second report contains a compelling set of conclusions and evidentiary findings implicating the Syrian government in deadly chemical weapons attacks against three villages in northern Syria during April and May of 2014. The Fact-Finding Mission concluded that the testimony of primary witnesses and supporting documentation, including medical reports and other relevant information, constitutes a compelling confirmation with a high degree of confidence that chlorine was used as a weapon, systematically and repeatedly in the villages of Talmanes, Al Tamanah, and Kafr Zeta in northern Syria. The Fact-Finding Mission emphasized that "in describing the incidents involving the release of toxic chemicals, witnesses invariably connected the devices to helicopters flying overhead." It is well known that the Syrian Government is the only party to the conflict in Syria possessing helicopters or any other aerial capability.

Mr. Chairman, the use of chlorine or any other toxic chemical as a weapon is a clear breach of the Chemical Weapons Convention and of Resolution 2118. Such a breach raises serious concerns about the willingness of Syria to comply with its fundamental treaty obligations not to possess or use chemical weapons.

We are also concerned about Syria's declaration, as it contains gaps, discrepancies and inconsistencies which give rise to important questions and concerns about the declaration's accuracy and completeness. We call on Syria to cooperate fully with the OPCW and promptly begin destruction of its remaining chemical weapon production facilities. The Syrian Arab Republic must provide the international community with credible evidence to support its assurances that it has fully abandoned its chemical weapons program. This cannot be achieved while use of chemical weapons continues and new allegations of such use continue to be made. Complete and accurate declarations must be provided, and destruction operations must be completed promptly and in full in order to prevent further use of chemical weapons against the Syrian people. The Syrian CW file remains open and will not be closed until all of these issues are addressed and Syria complies with its obligations under the CWC and UN Security Council Resolution 2118.

Mr. Chairman, on other CWC related matters, the United States looks forward to working closely with States Parties to meaningfully advance the work and recommendations of the Third Review Conference held in April 2013. While there is more work to be done in our efforts to further strengthen the implementation of the CWC, we remain encouraged by the progress made by the OPCW and its extraordinary efforts in working toward a world free of chemical weapons. The OPCW has accomplished a great deal and remains an indispensable multilateral body with a global responsibility.

For our part, the United States continues to act on opportunities to accelerate destruction and has safely destroyed almost 90 percent of our chemical weapons stockpile under OPCW verification. We continue our steadfast commitment to the CWC and will continue working in a transparent manner towards the complete destruction of our remaining chemical weapons.

The United States remains fully committed to the charge given in the preamble of the Chemical Weapons Convention, that all States Parties “determined for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention....” We must stand together to make this goal a reality.

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2. Biological Weapons

Ambassador Wood’s statement on other weapons of mass destruction at the 69th UN General Assembly on October 24, 2014, excerpted above, also addressed biological weapons. That portion of his remarks follows.

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Mr. Chairman, as we pursue these important goals, we must not lose sight of the threat posed by biological weapons, whether in the hands of states or non-state actors. The Biological Weapons Convention bans the development, production, and stockpiling of such weapons. It embodies an aspiration as profound as that of the CWC: to completely exclude the possibility of biological agents and toxins being used as weapons. The United States strongly supports the BWC.

The 7th BWC Review Conference took steps to strengthen the Convention’s contribution to international security, establishing an ambitious agenda of important topics for ongoing work. But this agenda has not been matched by the resources or political will needed to deliver results. Even as we consolidate gains under the existing process, we must begin to look toward the 8th RevCon. What issues should we seek to address over the coming years, and how should we seek to address them?

Some will call—inevitably—for another effort to negotiate an all-encompassing supplementary treaty or protocol. We’ve been down that road. The problems are well known—and, despite the popular narrative, not limited to U.S. objections. Under this approach, nothing is agreed until everything is agreed. This is a formula for years of inaction. The BW threat won’t wait for us.

There is a better way. We can strengthen our intersessional process. We can—like so many other international entities—adopt decisions on the things we agree upon, while continuing to discuss those on which we do not. And there IS agreement on a great deal. We agree on the need to strengthen national implementation; on the importance of international cooperation, especially to build nations’ capacity to address challenges to health security posed by infectious disease and toxins; on the need to give practical effect to the mutual assistance provisions of Article VII. And—even if we do not agree on how to go about it—we agree on the need to find ways to strengthen confidence that Parties to the BWC are living up to their obligations.

Mr. Chairman, we HAVE a treaty. We don't need to wait for some distant day when the stars align and another one emerges—and the threats we face will most certainly not wait. Let's take the tools that we have, strengthen them where necessary, and put them to use.

F. BALLISTIC MISSILE DEFENSE

On November 18, 2014, Under Secretary Gottemoeller spoke in Bucharest, Romania on the U.S. commitment to ballistic missile defense and the European Phased Adaptive Approach. Her remarks are excerpted below and available at www.state.gov/t/us/2014/234157.htm.

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...The Obama Administration's commitment to deploying missile defenses to defend the United States homeland, our Allies and partners never waivers. In Europe, we are on track for Phase 2 of the European Phased Adaptive Approach and we are committed to having Phase 3 in Poland completed in 2018. We are working closely across the board with our Israeli Allies on missile defense. We remain committed to missile defense cooperation among our Gulf Cooperation Council partners. In Asia, we also continue to deploy more and more capable missile defense systems and continue our efforts to enhance cooperation with allies and partners.

We are committed to these deployments in the face of constant criticism, particularly from the Russian Federation.

We often hear the refrain from certain corners that missile defenses are destabilizing. With an emphasis on transparency and confidence-building, we have explained that nothing that we are doing with respect to our missile defense plans will undercut international security. It would not be in our interest to do so, it would be prohibitively expensive and from a technical perspective, it would be extremely difficult. So let me take some time to again outline these points, based on logic, physics and math, to prove that our missile defense deployments are a benefit, not a threat, to global strategic stability.

First, the Cold War mindset about ballistic missile defenses is no longer valid. Limited ballistic missile defense capabilities are not capable of threatening Russia's strategic nuclear forces and are not a threat to strategic stability.

Ballistic missiles during the Cold War were the tools the United States and the Soviet Union used to maintain the strategic balance between our two countries. Today, ballistic missiles are proliferated around the world and are seen as a common battlefield weapon.

That is why today's limited missile defenses are essential to ensuring regional strategic stability. That is the one and only reason that the United States is pursuing regional missile defense capabilities.

Missile saber rattling is not particularly effective when there are defenses to protect against those missiles. Missile defense can also prevent a country or group from taking cheap shots of one or two launches that it thinks can be used to compel or deter a government. Instead

these countries or groups would need to fire a much larger salvo to overcome missile defenses, thereby raising the stakes of entering into a conflict.

Further, missile defenses create uncertainty about the outcome of attacks, thereby increasing the costs to countries and groups attempting to overcome defenses. By reducing a country's confidence in the effectiveness of missile attacks, we enhance deterrence and regional stability.

Missile defenses and missile defense cooperation also [provide] reassurance. Reassurance helps reduce a country's vulnerability to ballistic missile attacks, as well as reassurance regarding the United States' commitment to their defense. The last part is particularly important since it demonstrates that the United States will stand by our Alliance commitments, even in the face of growth in the military potential of regional adversaries.

Finally, when confronted with an attack, missile defenses can buy time for other courses of actions, such as diplomacy, to help resolve the crisis. All of you know, whether you are policy-makers or military planners, that time—and lack thereof—is one of the most important factors during a crisis.

These are the factors that drive our deployment efforts. Our efforts are aided by the increasing sophistication and accuracy of our ballistic missile defenses, as well as the experience that U.S. forces, our Allies and our partners have gained from being the targets of missile attacks.

Many of our regional defense deployments, like the Patriot system and the Terminal High Altitude Area Defense, or THAAD system, are inherently designed for theater use. They are not capable of defending against ICBMs launched at the United States. THAAD, however, is capable of defending against the medium-range and intermediate-range ballistic missile that North Korea is deploying.

Yet despite our repeated attempts to convey these demonstrable facts, the Russian Federation continues to maintain that our global deployment of these systems is designed somehow to encircle Russia.

Understanding the universal truth of physics, we have also taken care to demonstrate how the systems we are deploying are located in places that are ideal for addressing regional threats. Based on the irrefutable laws of science, these systems cannot do the things the Russian government says they can. You may have seen the Russia trajectory maps that show how the SM-3 Block IIA interceptor could be used against Russian ICBMs. The problem with this argument is that it assumes that the instant—the very second—of a Russian ICBM launch, we would also launch our interceptor. The argument also assumes that we would have perfect knowledge of where that Russian ICBM is going and where it is going to be located several minutes from launch in order to strike the reentry vehicles.

As Admiral Syring attests and our flight tests clearly show, we cannot begin to consider launching an interceptor until well after a ballistic missile has finished its boost phase, the warheads have separated, and we have had time to develop a firing solution. We need considerable time to gather knowledge about where the missile is going before we can launch our interceptor. As a result, the physics just don't add up. There is no way a U.S. SM-3 IIA interceptor can chase down Russian reentry vehicles.

At one point, we did explore the feasibility of a faster interceptor that had what we called "early intercept" capabilities, but that still relied on intercepting the reentry vehicles after burnout. Again, this was not a boost phase concept. In fact, there are many unclassified reports that discuss the challenges inherent in doing boost phase intercept.

Beyond our theater, capabilities, our Ground-Based Interceptors (known as GBIs) deployed in Alaska and California do not pose a threat to Russian strategic nuclear forces either. Our GBIs are designed to deal with rudimentary systems deployed in limited numbers and with simple countermeasures. Technologically, GBIs cannot counter Russia's sophisticated ICBM capabilities and countermeasures.

In addition to our other efforts, we have also outlined the plain and simple numbers to the Russians. Our GBI numbers are nowhere remotely near their strategic offensive arsenal numbers. As of October 1st, Russia declared that under the New START counting rules, they were deploying 1,643 warheads on 528 deployed ICBMs, SLBMs and heavy Bombers. Let me say that number again: the Russian Federation currently fields 1,643 deployed nuclear warheads. Currently, the United States has 30 ground-based interceptors deployed in Alaska. So, hypothetically if all 30 of those GBIs performed perfectly and took out 30 Russian warheads, 1,613 Russian warheads would still get past our defenses.

We will deploy an additional 14 interceptors in Alaska and should we ever deploy an additional east coast site with 20 additional interceptors, Russia would still have 1,579 warheads that could get through our defenses. And while I am optimistic we will negotiate a future nuclear reduction Treaty after New START, even then, our limited numbers of defensive systems cannot even come close to upsetting the strategic balance.

Reversing this equation, I would note that we are not concerned about the impact to strategic stability of Russia's deployment of 68 interceptors at the Moscow ABM system. Sixty eight deployed interceptors is 24 more than the United States even has plans to deploy. Further, Russia is very open about declaring that the Moscow ABM system is specifically designed against the United States. And just like the United States, Russia is modernizing its radars and interceptors as part of their system. However, that still hasn't raised concerns in the United States about strategic stability.

Despite our best efforts, none of these facts has made any difference in our discussions with the Russian Federation. They continue instead to argue the system is designed against them. The bottom line is this: The United States will continue to deploy our missile defense systems around the world to defend against limited regional threats. We will continue to deploy the EPAA as our contribution to NATO missile defense. There should be no doubt about our commitment. Moreover, we will not accept any obligations that limit our ability to defend ourselves, our allies, and our partners, including where we deploy our BMD-capable Aegis ships. There is no reason why we should and no reason we would.

Further, at this time, we have serious concerns about Russia's invasion of Ukraine and its violation of the Intermediate-Range Nuclear Forces (INF) Treaty. We continue to work closely with our NATO partners on addressing the changes to European security brought about by the invasion of Ukraine and are seeking Russia's return to compliance with the INF Treaty.

While Russia has accused the United States of being in violation of the INF Treaty, we are in complete compliance with the INF Treaty. We can describe, in detail, why each of our systems complies with the Treaty. One thing that the United States and Russia have agreed on is that this important Treaty remains in our mutual security interests. May it remain so. In the meantime, we will continue to make our case to the world about the importance of limited missile defenses and continue our essential efforts to cooperatively deploy systems around the world.

G. NEW START TREATY

The U.S. and Russian delegations to the Bilateral Consultative Commission (“BCC”), which was established under the New START Treaty, met in Geneva twice in 2014. Decisions and agreements reached by the BCC are available at www.state.gov/t/avc/newstart/c39917.htm.

H. OTHER ARMS CONTROL AGREEMENTS

In 2014, the United States determined that the Russian Federation “is in violation of its obligations under the INF Treaty not to possess, produce, or flight-test a ground-launched cruise missile (GLCM) with a range capability of 500 km to 5,500 km, or to possess or produce launchers of such missiles.” 2014 Compliance Report at 8 (available at www.state.gov/t/avc/rls/rpt/2014/230047.htm and discussed *supra* in section 19.A). Representatives of the United States and Russia met to discuss Russian non-compliance with the Intermediate-Range Nuclear Forces Treaty (“INF Treaty”), but U.S. concerns were not resolved. See September 11, 2014 media note, available at www.state.gov/r/pa/prs/ps/2014/09/231490.htm. On December 10, 2014, Under Secretary Gottemoeller testified at a joint hearing of the House Foreign Affairs Committee, Subcommittee on Terrorism, Nonproliferation, and Trade and the House Armed Services Committee, Subcommittee on Strategic Forces, on arms control agreements, their ongoing importance, and Russian compliance with its arms control obligations, in particular. Her testimony is available at <http://docs.house.gov/meetings/FA/FA18/20141210/102793/HHRG-113-FA18-Wstate-GottemoellerR-20141210.pdf>. Excerpts below relate to Russian non-compliance with the INF Treaty.

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... In July of this year, the United States announced its determination that Russia is in violation of its INF Treaty obligations not to possess, produce, or flight-test a ground-launched cruise missile with a range capability of 500 to 5,500 kilometers, or to possess or produce launchers of such missiles.

We take this violation extremely seriously. The INF Treaty, negotiated and ratified during the Reagan Administration, eliminated an entire class of ballistic and cruise missiles, capable of delivering nuclear and non-nuclear weapons. The INF Treaty benefits the security of the United States, our allies, and the Russian Federation. The United States is committed to making every effort to ensure the continued viability of the INF Treaty.

We have raised with Russia our concerns regarding its violation of the INF Treaty and have since held senior-level bilateral discussions with the aim of returning Russia to verifiable compliance with its Treaty obligations.

To date, Russia has been unwilling to acknowledge its violation or address our concerns. Therefore, we are reviewing a series of diplomatic, economic, and military measures to protect the interests of the United States and our Allies, and encourage Russia to uphold its nuclear arms control commitments. First, the United States is engaging diplomatically with Russia as noted above, and we continue to consult closely with our Allies. Let me underscore that our Allies have made clear their interest in preserving the INF Treaty. On September 5, at the NATO Summit in Wales, Allies noted:

“it is of paramount importance that disarmament and non-proliferation commitments under existing treaties are honoured, including the Intermediate-Range Nuclear Forces (INF) Treaty, which is a crucial element of Euro-Atlantic security. In that regard, Allies call on Russia to preserve the viability of the INF Treaty through ensuring full and verifiable compliance.”

Second, we are actively reviewing potential economic measures in response to Russia’s violation. And third, the United States is assessing options in the military sphere to ensure that Russia would not gain a significant military advantage from its violation of the INF Treaty.

Currently, there is debate in Russia about its nuclear modernization programs and about the contribution of the INF Treaty to Russia’s security. It is important for Russia to take into account that no military decisions happen in a vacuum. Actions beget actions. Our countries have been down the road of needless, costly, and destabilizing arms races. We know where that road leads, and we are fortunate that our past leaders had the wisdom and strength to turn us in a new direction. We will keep pressing the Russian leadership to come back into compliance with all of its international obligations.

I would like to assure this committee that the Obama Administration is committed to bringing Russia back into compliance with the INF Treaty. We will not waver in this effort. But the security of the United States and its allies is not negotiable. We must also take steps to ensure our continued collective security should Russia continue in this violation of its INF obligations.

But just as during the Cold War, we will not allow Russia’s bad actions in one arena to compromise U.S. national security in another. For more than 40 years, arms control has been a tool that has contributed substantially to the national security interest of the United States, providing predictability and stability to us and to the global community. As the owners of more than 90% of the global nuclear stockpile, the United States and Russia continue to have a special responsibility to protect and preserve those regimes. We will continue to pursue arms control and nonproliferation tools—along with effective verification mechanisms—because they are the best path that we can take to effectively limit and reduce nuclear threats and prevent such weapons from proliferating to other nation states or falling into the hands of extremists bent on causing colossal destruction. We are committed to monitoring and ensuring compliance with these agreements, and we will continue to tirelessly press Russia to return to its obligations under the INF Treaty. At the same time, we will continue to assess all of the tools—military, economic, and diplomatic—available to the United States and its allies to ensure our national security. And of course we will continue to consult with Congress and our allies and partners on these efforts.

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I. ARMS TRADE TREATY

For background on the Arms Trade Treaty, see *Digest 2013* at 710-15 and *Digest 2012* at 674-79. On October 22, 2014, Ambassador Robert A. Wood, Alternate Representative for the U.S. Delegation to the UN, delivered remarks at the 69th UN General Assembly at a thematic discussion on conventional weapons. Ambassador Wood addressed several issues: the Arms Trade Treaty (“ATT”), the Convention on Certain Conventional Weapons (“CCW”), Lethal Autonomous Weapons Systems (“LAWS”), conventional weapons destruction, small arms and light weapons (“SA/LW”), and man-portable air defense systems (“MANPADS”). Excerpts follow from Ambassador Wood’s remarks, which are available in full at www.state.gov/t/avc/rls/2014/233251.htm.

The Arms Trade Treaty entered into force on December 24, 2014. In accordance with Article 17 of the treaty, the first Conference of States Parties will convene in 2015. See the website of the ATT, www.un.org/disarmament/ATT/. The Arms Trade Treaty has been signed by 130 states, including the United States, though it has not yet been ratified by the United States.

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Arms Trade Treaty

Let me start with the Arms Trade Treaty.

The ATT is important for establishing the highest possible common international standards for regulating the international trade in conventional arms. The Treaty will help reduce the risk that international transfers of arms will be used to carry out the world’s worst crimes, including genocide, crimes against humanity, and war crimes. The Treaty requires State Parties to take responsibility for their decisions to transfer arms internationally and to implement safeguards and national procedures to ensure such international arms transfers are governed by relevant national authorities. This Treaty will strengthen countries’ national security, build global security, and advance important humanitarian goals without undermining the legitimate international trade in conventional arms.

I am pleased to note that the Treaty has crossed the fifty State Party threshold and will enter into force on December 24. The United States calls on those countries that have not signed it to consider doing so as soon as possible.

The United States applauds Mexico’s offer to host the First Conference of States Parties (CSP1). The Conference will take a series of decisions on rules of procedure, financial rules, and establishing the Secretariat, and those decisions will help determine the future direction of the Treaty. It is important that the Treaty is operated in an open, transparent, and inclusive manner so that the international community can maintain the momentum that led to the Treaty in the first place. The more States Parties and Signatories the Treaty has, the stronger it will be. Finally, we need to recognize that States are at different stages in developing the national control systems required by the Treaty and in being able to sign and/or ratify the Treaty. We need to ensure that interested States are able to observe the process for themselves and that States that have committed to the Treaty are able to participate in the operation of the Treaty to the maximum extent possible. For our part, the United States will support Mexico and other interested States in

pursuit of a successful CSP1 that will lay the groundwork for a Treaty that lives up to all of our expectations.

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Cross References

Bond case regarding the CWC, **Chapter 4.B.**

Ukraine/Russia, **Chapter 9.B.1.**

Outer space, **Chapter 12.B.**

Iran sanctions, **Chapter 16.A.1.**

Syria sanctions, **Chapter 16.A.2.**

Nonproliferation sanctions, **Chapter 16.A.3.**

Export controls, **Chapter 16.C.**

Conventional weapons, **Chapter 18.B.**